
SEPTEMBER

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, JANUARY 8, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 31st December 1869, and was referred to a Select Committee with instructions to make their report thereon in a fortnight:—

No. 22 OF 1869.

A Bill to provide for the appointment of additional Subordinate Judges and Munsifs in the Presidency of Fort William.

Preamble.

WHEREAS, by Act XVI of 1868 *(to consolidate and amend the law relating to Principal Sadr Amins, Sadr Amins and Munsifs in Bengal, and for other purposes)*, the Local Government is empowered to appoint a person to the office of Subordinate Judge or Munsif only on the occurrence of a vacancy in such office, and it is expedient to provide for the appointment of persons to such offices in addition to the appointments made under that Act; It is hereby enacted as follows:—

Power to appoint additional Subordinate Judges and Munsifs.

1. Whenever it appears expedient to the said Local Government to appoint a person to the office of Subordinate Judge or Munsif in addition to the Subordinate Judges and Munsifs appointed under the said Act,

in the case of a Subordinate Judge, the Local Government may appoint,

and, in the case of a Munsif, the High Court of Judicature shall nominate, and the Local Government shall appoint,

such person as the Local Government or the High Court (as the case may be) shall think fit:

Qualifications of persons appointed.

Provided that no person shall be so nominated to the office of Munsif unless he possesses the qualifications prescribed by the rules made under section five of the said Act.

Persons appointed to be deemed Subordinate Judges or Munsifs under Act XVI of 1868.

2. Every Subordinate Judge and Munsif so appointed, shall be deemed a Subordinate Judge, or Munsif, as the case may be, under the said Act.

Previous sanction of Governor General in Council.

3. Nothing in this Act shall authorize the Local Government to increase the number of Subordinate Judgeships and Munsifships without the previous sanction of the Governor General of India in Council.

STATEMENT OF OBJECTS AND REASONS.

By section 5, Act XVI of 1868, the Local Governments of Bengal and the North-Western Provinces are empowered to appoint a person to the office of Subordinate Judge or Munsif only on the occurrence of a vacancy in any of the offices established by that Act.

Owing to a recent change in the law relating to the adjudication of suits instituted in the Lower Provinces of Bengal between landlord and tenant, it has become necessary to make some increase to the existing number of Munsifs' Courts within those territories.

The immediate object of the Bill, therefore, is to enable the Lieutenant Governor of Bengal to appoint as many additional Munsifs as may be necessary.

At the same time it is deemed expedient to take advantage of the present opportunity for removing the restriction of the existing law and to provide for the appointment of additional Subordinate Judges and Munsifs wherever they may be required.

F. R. COCKERELL.

The 17th December 1869.

WHITLEY STOKES,
Secy. to the Council of the Gover. Genl., for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 7th day of January 1870:—

No. 1 OF 1870.

A Bill to remove the Agror Valley from the jurisdiction of the tribunals established under the general Regulations and Acts, and for other purposes.

WHEREAS it is expedient to remove the territory known as the Agror Valley from the jurisdiction of the tribunals established under the general Regulations and Acts, and to provide for the administration of justice and the collection of revenue in the said territory; It is hereby enacted as follows:—

Preamble.

1. This Act may be called "The Agror Valley Act, 1870."

Short title.

2. The Ordinance of the fourth day of October, 1869, "to remove the Agror Valley from the jurisdiction of the tribunals established under the general Regulations and Acts, and for other purposes" is hereby repealed.

Repeal of Ordinance.

3. The said territory shall be deemed to include such portions of the Districts of Hazára, Attok and Ráwal Pindi, as the Lieutenant Governor of the Panjáb has appointed for the purposes of the said Ordinance, or shall from time to time appoint for the purposes of this Act.

Extent of Act.

4. Save as hereinafter provided, the territory known as the Agror Valley is hereby removed from the jurisdiction of the Courts of Civil and Criminal Judicature, and from the control of the officers of revenue constituted by the Rules, Regulations and Acts in force in the territories under the control of the said Lieutenant Governor, as well as from the law prescribed for the said Courts and officers by the Rules, Regulations and Acts aforesaid;

Agror Valley removed from operation of general Regulations and Acts.

and no Act hereafter passed by the Council of the Governor General for making Laws and Regulations, shall be deemed to extend to any part of the said territory, unless the same be specially named therein.

5. The administration of civil and criminal justice within the said territory, and the superintendence of the settlement and realization of the public revenue and of all matters relating to the peace and good government of the same territory and the rent payable therein, are hereby vested in such officers as the said Lieutenant Governor may, for the purpose of tribunals of first instance or of reference and appeal, from time to time appoint.

Administration of justice and settlement and collection of revenue.

The officers so appointed shall, in the matter of the administration and superintendence aforesaid, be subject to the direction and control of the said Lieutenant Governor, and be guided by such instructions as he may from time to time issue.

6. Any person liable to be imprisoned in any civil or criminal jail, or to be transported beyond sea under any order or sentence passed by any officer or court empowered as provided in this Act, may be imprisoned in any civil or criminal jail, or transported to any place which the said Lieutenant Governor may direct.

Place of imprisonment or transportation.

7. The said Lieutenant Governor may from time to time, by notification in the official Gazette, extend to the said territory any law, or any portion of any law, now in force in the other territories subject to his government, or which may hereafter be enacted by the Council of the Governor General for the purpose of making Laws and Regulations;

Power to extend laws.

and may, on making such extension, direct by whom any powers or duties incident to the provisions so extended shall be exercised or performed, and make any order which he shall deem requisite for carrying such provisions into operation.

8. Whenever a question arises whether any place falls within the boundary of the said territory, such officer as the said Lieutenant Governor shall from time to time appoint may consider and determine on which side of the boundary such place may lie, and the order made thereon by such officer shall be final.

Questions of disputed boundary.

STATEMENT OF OBJECTS AND REASONS.

In October 1869, His Excellency the Governor General, in exercise of the power conferred upon him by the Indian Councils' Act, section 23, made an Ordinance to remove the Agror Valley from the jurisdiction of the tribunals established under the general Regulations and Acts. Ordinances under that section can remain in force only for six months from their promulgation, and the object of the present Bill is simply to convert a temporary into a permanent enactment.

The 7th January 1870. J. F. STEPHEN.

WHITLEY STOKES,
Secy. to the Council of the Gov. Genl. for making Laws and Regulations.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, JANUARY 15, 1870.

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PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 14th January 1870, and was referred to a Select Committee with instructions to make their report thereon in a fortnight.

No. 2 OF 1870.

A Bill to enable the High Courts at the Presidency Towns to deal with costs of petitions for certain monies transferred to Government.

WHEREAS the High Courts of Judicature at Fort William, Madras and Bombay have no power to deal with the costs of petitions under section 4 of Act No. XXV of 1866 *(to transfer to the Government of India certain securities and monies deposited in the High Courts of Judicature at Fort William, Madras and Bombay and in the Supreme Court of the Straits' Settlement, and the proceeds of certain estates in the charge of the Administrator General of Bengal)*, or under section 60 of the Administrator General's Act, 1867, for payment of certain securities, monies or proceeds transferred to Government; And whereas it is expedient to confer such power upon the said High Courts; It is hereby enacted as follows:—

Preamble.

1. Whenever any of the said Courts shall make an order on any such petition, the Court may direct by whom the whole or any part of the costs of each party are to be paid.

Power to direct by whom costs are to be paid.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is merely to enable the High Courts at the Presidency Towns to deal with the costs of petitions for securities and monies transferred to Government under Act XXV of 1866, or under the Administrator General's Act, XXIV of 1867. Such petitions are sometimes merely speculative, and, in the absence of a power such as the present Bill proposes to confer, the time of the Courts is liable to be wasted.

F. S. CHAPMAN.

The 17th December 1869.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, JANUARY 22, 1870.

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Preamble.

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The 17th December 1869.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 21st January 1870, and was referred to a Select Committee with instructions to make their report thereon in a fortnight:—

No. 3 OF 1870.

A Bill for investing the Assistant Commissioner in charge of the Kullu Sub-division of the Kángra District with certain appellate powers.

Preamble.

WHEREAS it is expedient to invest the Assistant Commissioner in charge of the Kullu Sub-division of the Kángra District with certain appellate powers in civil cases; It is hereby enacted as follows:—

Assistant Commissioner of Kullu may hear appeals.

1. Notwithstanding anything contained in Act No. XIX of 1865 *(to define the jurisdiction of the Courts of Judicature of the Panjáb and its Dependencies)* it shall be lawful

for the Assistant Commissioner or other officer who shall for the time being be placed in charge of the parganas of Kullu, Seoráj, Lahoul and Spití, commonly called the Kullu Sub-division in the Kángra District, to hear appeals in civil cases from the decisions and orders of the Tahsíldár of Sultánpúr, the Tahsíldár of Plach, the Négi of Lahoul and the Nono of Spití.

Appeal from Assistant Commissioner's orders.

2. An appeal shall lie from the decisions and orders of such Assistant Commissioner or other officer as aforesaid, to the Commissioner of the Division, in like manner as though such decisions or orders had been given by the Deputy Commissioner of the District, and the provisions of Act No. VII of 1868 *(to amend the law relating to Appeals and Reviews of Judgment in the Panjáb)* with reference to the Deputy Commissioner, shall be held to apply to such Assistant Commissioner or other officer as aforesaid.

Commencement and continuance of Act.

3. This Act shall come into operation on the first day of March 1870, in regard to all cases pending or liable to appeal in the Courts of the Tahsíldár of Sultánpúr, the Tahsíldár of Plach, the Négi of Lahoul, and Nono of Spití on that date, and shall remain in force until the thirtieth day of April 1873, and, in the case of any appeal preferred before the thirtieth day of April 1873, until such appeal has been disposed of.

STATEMENT OF OBJECTS AND REASONS.

On the east of the Kángra District lie the hilly parganas of Kullu, Seoráj, Lahoul and Spití, separated from the rest of the district by the Babbu Pass, which for some months in the year is closed by snow.

The population, according to the census of 1868, amounted to 1,12,000 souls only; but Sultánpúr, the principal town of Kullu, is the rendezvous of merchants from Lahoul, Ladákh, and Central Asia, and the value of the trade in 1868 was estimated at rupees 73,000; the distance of Sultánpúr from Dharmsála, the head-quarters of the Kángra District, exceeds seventy miles, and of Spití upwards of one hundred and fifty miles.

The judicial administration of this tract is vested in

(1) a Tahsíldár and Náib Tahsíldár with the criminal powers of a Subordinate Magistrate of the Second Class, and powers to decide civil suits up to rupees 300 in value;

(2) two honorary judicial officers, the Négi of Lahoul and the Nono of Spití, who are vested with limited powers in civil and criminal cases,

and it has been the practice to depute, yearly, on the opening of the Babbu Pass an Assistant Commissioner with full powers to reside near Sultánpúr during the summer months.

An appeal from the decision of each of the above-named officers lies nominally to the Deputy Commissioner of Kángra; but as the prosecution of an appeal during the winter months is impossible, and in summer involves a journey of from ten to twenty days through a mountainous country, the right may be said to be practically denied to the bulk of the population.

The object of this Bill is to empower the Assistant Commissioner of the Kullu Sub-division to hear appeals from the Tahsildárs and Honorary Magistrates abovementioned.

J. F. STEPHEN.

The 31st December 1869.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, JANUARY 29, 1870.

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GOVERNMENT OF INDIA.

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Preamble.

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Power to direct by whom costs are to be paid.

1. Whenever any of the said Courts shall make an order on any such petition, the Court may direct by whom the whole or any part of the costs of each party are to be paid.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is merely to enable the High Courts at the Presidency Towns to deal with the costs of petitions for securities and monies transferred to Government under Act XXV of 1866, or under the Administrator General's Act, XXIV of 1867. Such petitions are sometimes merely speculative, and, in the absence of a power such as the present Bill proposes to confer, the time of the Courts is liable to be wasted.

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Preamble.

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for the Assistant Commissioner or other officer who shall for the time being be placed in charge of the parganas of Kullu, Seoráj, Lahoul and Spití, commonly called the Kullu Sub-division in the Kángra District, to hear appeals in civil cases from the decisions and orders of the Tahsíldár of Sultánpúr, the Tahsíldár of Plach, the Négí of Lahoul and the Nono of Spití.

2. An appeal shall lie from the decisions and orders of such Assistant Commissioner or other officer as aforesaid, to the Commissioner of the Division, in like manner as though such decisions or orders had been given by the Deputy Commissioner of the District, and the provisions of Act No. VII of 1868 *(to amend the law relating to Appeals and Reviews of Judgment in the Panjáb)* with reference to the Deputy Commissioner, shall be held to apply to such Assistant Commissioner or other officer as aforesaid.

Appeal from Assistant Commissioner's orders.

3. This Act shall come into operation on the first day of March 1870, in regard to all cases pending or liable to appeal in the Courts of the Tahsíldár of Sultánpúr, the Tahsíldár of Plach, the Négí of Lahoul, and Nono of Spití on that date, and shall remain in force until the thirtieth day of April 1873, and, in the case of any appeal preferred before the thirtieth day of April 1873, until such appeal has been disposed of.

Commencement and continuance of Act.

STATEMENT OF OBJECTS AND REASONS.

On the east of the Kángra District lie the hilly parganas of Kullu, Seoráj, Lahoul and Spití, separated from the rest of the district by the Babbu Pass, which for some months in the year is closed by snow.

The population, according to the census of 1868, amounted to 1,12,000 souls only; but Sultánpúr, the principal town of Kullu, is the rendezvous of merchants from Lahoul, Ladákh, and Central Asia, and the value of the trade in 1868 was estimated at rupees 73,000; the distance of Sultánpúr from Dharmsála, the head-quarters of the Kángra District, exceeds seventy miles, and of Spití upwards of one hundred and fifty miles.

The judicial administration of this tract is vested in

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(2) two honorary judicial officers, the Négí of Lahoul and the Nono of Spití, who are vested with limited powers in civil and criminal cases,

and it has been the practice to depute, yearly, on the opening of the Babbu Pass an Assistant Commissioner with full powers to reside near Sultánpúr during the summer months.

An appeal from the decision of each of the above-named officers lies nominally to the Deputy Commissioner of Kángra; but as the prosecution of an appeal during the winter months is impossible, and in summer involves a journey of from ten to twenty days through a mountainous country, the right may be said to be practically denied to the bulk of the population.

The object of this Bill is to empower the Assistant Commissioner of the Kullu Sub-division to hear appeals from the Tahsíldárs and Honorary Magistrates abovementioned.

J. F. STEPHEN.

The 31st December 1869.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

At the meeting of the Council of the Governor General of India for the purpose of making Laws and Regulations, held on the 21st January 1870—

The Hon'ble Mr. Stephen moved that the Report of the Select Committee on the Bill to regulate the Wills of Hindús and Buddhists in the Presidency Towns, be taken into consideration.

The Hon'ble Mr. Cockerell moved as an amendment to the Hon'ble Mr. Stephen's motion:—

That this Bill be recommitted, with instructions to the Select Committee to take into consideration the propriety of extending its operation to the territories under the government of the Lieutenant Governor of Bengal, and to report again after six weeks.

That the Bill, as amended, together with this motion, be forthwith published in the *Gazette of India* for public information.

The amendment was carried unanimously.

A Bill to regulate the Wills of Hindús, Jainas, Sikhs and Buddhists in the Presidency Towns.

[As amended by the Select Committee.]

WHEREAS it is expedient to provide rules for the execution, attestation, revocation, revival, interpretation and probate of the wills of Hindús, Jainas, Sikhs and Buddhists in the Presidency Towns; It is hereby enacted as follows:—

Preamble.

1. This Act may be called "The Hindú Wills Act, 1870."

Short title.

2. Sections 46, 48, 49, 50, 51, 54, 55 and 57 to 77 (both inclusive), sections 82, 83, 85, 88 to 103 (both inclusive), sections 106 to 177 (both inclusive), sections 179 to 189 (both inclusive), sections 191 to 199 (both inclusive), so much of Parts XXX and XXXI as relates to grants of probate and letters of administration with the will annexed, Parts XXXIII to XL (both inclusive), so far as they relate to an executor and an administrator with the will annexed, of the Indian Succession Act, 1865, shall apply—

Certain sections of Succession Act extended to wills of Hindús, Jainas, Sikhs and Buddhists.

(a) to all wills and codicils made by any Hindú, Jaina, Sikh or Buddhist on or after the first day of March 1870, within the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William, Madras and Bombay; and

Extent of Act.

(b) to all such wills and codicils made outside those limits, so far as relates to immoveable property situate within those limits:

Provided that marriage shall not revoke any such will or codicil:

And that nothing herein contained shall authorise a testator to bequeath property which he could not have alienated *inter vivos*, or to deprive any persons of any right of maintenance which they would have possessed if he had died intestate:

And that nothing herein contained shall vest in the executor or administrator with the will annexed of a deceased person any property which such person could not have alienated *inter vivos*.

3. Nothing contained in this Act shall affect the rights, duties and privileges of the Administrators General of Bengal, Madras and Bombay, respectively.

Saving of rights of Administrator General.

4. In this Act and in the said sections all words defined in section three of the said Succession Act shall, unless there be something repugnant in the subject or context, be deemed to have the same meaning as the said section three has attached to such words respectively.

Interpretation-clause.

And in applying sections 62, 63, 92, 96, 98, 99, 100, 101, 102, 103 and 182 of the said Succession Act, to wills and codicils made under this Act, the words "son," "sons," "child" and "children" shall be deemed to include an adopted child; and the word "grand-children" shall be deemed to include the children, whether adopted or natural-born, of a child whether adopted or natural-born; and the expression "daughter-in-law" shall be deemed to include the wife of an adopted son.

And in making grants under this Act of letters of administration with the will annexed, or with a copy of the will annexed, section 195 of the said Succession Act shall be construed as if the words "and in case the Hindú Wills Act had not been passed" were added thereto; and section 198 of the said Succession Act shall be construed as if, after the word "intestate," the words "and the Hindú Wills Act had not been passed" were inserted; and sections 230 and 231 of the said Succession Act shall be construed as if the words "if the Hindú Wills Act had not been passed" were added thereto, respectively.

Report of the Select Committee on the foregoing Bill.

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations to which the Bill to regulate the Wills of Hindús and Buddhists in the Presidency Towns was referred, have the honour to report that we have considered the Bill, and the papers noted in the margin.

Minute by Hon'ble C. R. M. Jackson, dated 29th January 1852.
From Registrar, Sadr Diwáni Adálat, No. 1301, dated 3rd August 1853, and enclosures.
From Assistant Secretary to Government, Fort Saint George, No. 68, dated 10th March 1865, and enclosures.
From Chief Commissioner, British Burma, No. 326, dated 18th September 1865.
From Secretary to Chief Commissioner, Oudh, No. 3215, dated 9th October 1865, and enclosure.
From Secretary to Government, Straits' Settlement, No. 37, dated 27th October 1865.
From Secretary to Government of Bengal, No. 641, dated 27th January 1866.
From Under Secretary to Government of Bombay, No. 290, dated 24th January 1866, and enclosure.
From Officiating Secretary to Chief Commissioner, Central Provinces, Nos. 255—358, dated 27th January 1866.
From Chief Commissioner, British Burma, No. 63, dated 14th February 1866, and enclosures.
From Secretary to Government, North-Western Provinces, No. 1214, dated 13th April 1866, and enclosures.
From Officiating Under Secretary to Government of Bengal, No. 3994, dated 27th July 1866, and enclosures.
From Chief Secretary to Government, Fort Saint George, No. 1212, dated 6th August 1866, and enclosures.
From Chief Commissioner, British Burma, No. 238, dated 18th September 1866.
From Commissioner of Mysore, No. 2828-47, dated 8th September 1866, and enclosures.
From Acting Under Secretary to Government of Bombay, No. 3216, dated 11th October 1866, and enclosure.
From Secretary to Government, Panjáb, No. 1385, dated 24th October 1866.
From Secretary of State for India, No. 5, dated 7th February 1867.
From Secretary of State for India, No. 33, dated 23rd September 1868.
From Secretary of State for India, No. 58, dated 30th November 1869.

2. The Secretary of State, while approving generally of the Bill, suggests that it should be made applicable to Jainas, Jews, Khójas, Memáns and Sikhs.

3. We have accordingly expressly extended the Bill to Jainas and Sikhs and made the necessary alterations in the title and preamble.

4. The testamentary portion of the Succession Act already extends to Jews, as well as to all persons domiciled in British India, other than Hindús, Muhammadans and Buddhists: it is therefore unnecessary to mention Jews in the Bill. Khójas and Memáns are Mussulmans, and although their law of intestate succession is Hindú, they enjoy as Muhammadans the power of making nuncupative wills, which it is one object of the Bill to limit. We think therefore it would be inexpedient to extend the Bill to these two classes of sectaries.

5. The Secretary of State also states that he has been informed that there are few or no Buddhists in the Presidency Towns, and apparently suggests that the Bill need not apply to those religionists. But in Calcutta there is a large number of Chinese and Burmese tradesmen, most, if not all, of whom are Buddhists. We have therefore left the Bill unaltered in this respect.

6. A series of recent decisions by the Calcutta High Court has established the proposition that Hindús are incapable of creating perpetuities. But the Courts have not fixed the length of time for which a Hindú may tie up his estate. We think that the legislature may, with advantage, supply the needed rule, and have accordingly extended section 101 of the Succession Act and the two preceding and the two following sections. The effect will be to render it impossible for a Hindú to delay the vesting of property bequeathed by him beyond the lifetime of a person living at the testator's decease and the minority (18 years) of some person in existence at the expiration of that period. The extension will also preclude questions as to a Hindú's power to bequeath to a person not in existence at the testator's death.

7. We have made a slight verbal alteration in section 2, and recommend that the Bill thus amended be passed.

J. F. STEPHEN.
G. N. TAYLOR.
H. M. DURAND.
GORDON S. FORBES,
F. S. CHAPMAN,
F. R. COCKERELL.

The 14th January 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

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Published by Authority.

CALCUTTA, SATURDAY, FEBRUARY 5, 1870.

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GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

At the meeting of the Council of the Governor General of India for the purpose of making Laws and Regulations, held on the 21st January 1870—

The Hon'ble Mr. Stephen moved that the Report of the Select Committee on the Bill to regulate the Wills of Hindús and Buddhists in the Presidency Towns, be taken into consideration.

The Hon'ble Mr. Cockerell moved as an amendment to the Hon'ble Mr. Stephen's motion:—

That this Bill be recommitted, with instructions to the Select Committee to take into consideration the propriety of extending its operation to the territories under the government of the Lieutenant Governor of Bengal, and to report again after six weeks.

That the Bill, as amended, together with this motion, be forthwith published in the *Gazette of India* for public information.

The amendment was carried unanimously.

A Bill to regulate the Wills of Hindús, Jainas, Sikhs and Buddhists in the Presidency Towns.

[*As amended by the Select Committee.*]

Preamble.

WHEREAS it is expedient to provide rules for the execution, attestation, revocation, revival, interpretation and probate of the wills of Hindús, Jainas, Sikhs and Buddhists in the Presidency Towns; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Hindú Wills Act, 1870."

Certain sections of Succession Act extended to wills of Hindús, Jainas, Sikhs and Buddhists.

2. Sections 46, 48, 49, 50, 51, 54, 55 and 57 to 77 (both inclusive), sections 82, 83, 85, 88 to 103 (both inclusive), sections 106 to 177 (both inclusive), sections 179 to 189 (both inclusive), sections 191 to 199 (both inclusive), so much of Parts XXX and XXXI as relates to grants of probate and letters of administration with the will annexed, Parts XXXIII to XL (both inclusive), so far as they relate to an executor and an administrator with the will annexed, of the Indian Succession Act, 1865, shall apply—

Extent of Act.

(a) to all wills and codicils made by any Hindú, Jaina, Sikh or Buddhist on or after the first day of March 1870, within the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William, Madras and Bombay; and

(b) to all such wills and codicils made outside those limits, so far as relates to immoveable property situate within those limits:

Provided that marriage shall not revoke any such will or codicil:

And that nothing herein contained shall authorise a testator to bequeath property which he could not have alienated *inter vivos*, or to deprive any persons of any right of maintenance which they would have possessed if he had died intestate:

And that nothing herein contained shall vest in the executor or administrator with the will annexed of a deceased person any property which such person could not have alienated *inter vivos*.

Saving of rights of Administrator General.

3. Nothing contained in this Act shall affect the rights, duties and privileges of the Administrators General of Bengal, Madras and Bombay, respectively.

4. In this Act and in the said sections all words defined in section three of the said Succession Act shall, unless there be something repugnant in the subject or context, be deemed to have the same meaning as the said section three has attached to such words respectively.

Interpretation-clause.

And in applying sections 62, 63, 92, 96, 98, 99, 100, 101, 102, 103 and 182 of the said Succession Act, to wills and codicils made under this Act, the words "son," "sons," "child" and "children" shall be deemed to include an adopted child; and the word "grand-children" shall be deemed to include the children, whether adopted or natural-born, of a child whether adopted or natural-born; and the expression "daughter-in-law" shall be deemed to include the wife of an adopted son.

And in making grants under this Act of letters of administration with the will annexed, or with a copy of the will annexed, section 195 of the said Succession Act shall be construed as if the words "and in case the Hindú Wills Act had not been passed" were added thereto; and section 198 of the said Succession Act shall be construed as if, after the word "intestate," the words "and the Hindú Wills Act had not been passed" were inserted; and sections 230 and 231 of the said Succession Act shall be construed as if the words "if the Hindú Wills Act had not been passed" were added thereto, respectively.

Report of the Select Committee on the foregoing Bill.

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations to which the Bill to regulate the Wills of Hindús and Buddhists in the Presidency Towns was referred, have the honour to report that we have considered the Bill, and the papers noted in the margin.

Minute by Hon'ble C. R. M. Jackson, dated 29th January 1852.
From Registrar, Sadr Diwání Adálat, No. 1301, dated 3rd August 1853, and enclosures.
From Assistant Secretary to Government, Fort Saint George, No. 68, dated 10th March 1865, and enclosures.
From Chief Commissioner, British Burma, No. 326, dated 18th September 1865.
From Secretary to Chief Commissioner, Oudh, No. 3215, dated 9th October 1865, and enclosure.
From Secretary to Government, Straits' Settlement, No. 37, dated 27th October 1865.
From Secretary to Government of Bengal, No. 641, dated 27th January 1866.
From Under Secretary to Government of Bombay, No. 290, dated 24th January 1866, and enclosure.
From Officiating Secretary to Chief Commissioner, Central Provinces, Nos. 235—358, dated 27th January 1866.
From Chief Commissioner, British Burma, No. 60, dated 14th February 1866, and enclosures.
From Secretary to Government, North-Western Provinces, No. 124A, dated 13th April 1866, and enclosures.
From Officiating Under Secretary to Government of Bengal, No. 3994, dated 27th July 1866, and enclosures.
From Chief Secretary to Government, Fort Saint George, No. 1212, dated 6th August 1866, and enclosures.
From Chief Commissioner, British Burma, No. 298, dated 18th September 1866.
From Commissioner of Mysore, No. 2828-47, dated 8th September 1866, and enclosures.
From Acting Under Secretary to Government of Bombay, No. 3215, dated 11th October 1866, and enclosure.
From Secretary to Government, Panjáb, No. 1385, dated 24th October 1866.
From Secretary of State for India, No. 5, dated 7th February 1867.
From Secretary of State for India, No. 33, dated 23rd September 1868.
From Secretary of State for India, No. 58, dated 30th November 1869.

2. The Secretary of State, while approving generally of the Bill, suggests that it should be made applicable to Jainas, Jews, Khójas, Memáns and Sikhs.

3. We have accordingly expressly extended the Bill to Jainas and Sikhs and made the necessary alterations in the title and preamble.

4. The testamentary portion of the Succession Act already extends to Jews, as well as to all persons domiciled in British India, other than Hindús, Muhammadans and Buddhists: it is therefore unnecessary to mention Jews in the Bill. Khójas and Memáns are Mussulmans, and although their law of intestate succession is Hindú, they enjoy as Muhammadans the power of making nuncupative wills, which it is one object of the Bill to limit. We think therefore it would be inexpedient to extend the Bill to these two classes of sectaries.

5. The Secretary of State also states that he has been informed that there are few or no Buddhists in the Presidency Towns, and apparently suggests that the Bill need not apply to those religionists. But in Calcutta there is a large number of Chinese and Burmese tradesmen, most, if not all, of whom are Buddhists. We have therefore left the Bill unaltered in this respect.

6. A series of recent decisions by the Calcutta High Court has established the proposition that Hindús are incapable of creating perpetuities. But the Courts have not fixed the length of time for which a Hindú may tie up his estate. We think that the legislature may, with advantage, supply the needed rule, and have accordingly extended section 101 of the Succession Act and the two preceding and the two following sections. The effect will be to render it impossible for a Hindú to delay the vesting of property bequeathed by him beyond the lifetime of a person living at the testator's decease and the minority (18 years) of some person in existence at the expiration of that period. The extension will also preclude questions as to a Hindú's power to bequeath to a person not in existence at the testator's death.

7. We have made a slight verbal alteration in section 2, and recommend that the Bill thus amended be passed.

J. F. STEPHEN.
G. N. TAYLOR.
H. M. DURAND.
GORDON S. FORBES.
F. S. CHAPMAN.
F. R. COCKERELL.

The 14th January 1870.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th February 1870, and was referred to a Select Committee with instructions to make their report thereon in one month.

No. 4 OF 1870.

A Bill for the prevention of Female Infanticide.

WHEREAS the offence of female infanticide is believed to be commonly committed in certain parts of British India; and whereas it is necessary to make better provision for the prevention of the said offence; It is hereby enacted as follows:—

Preamble.

1. For the purposes of this Act, "District" means such part of the country or place as shall be described in the notification mentioned in section two:

"District."

"Marriage expenses" includes all expenses incurred on account of the celebration of marriage, or of any ceremony or custom connected therewith.

"Marriage expenses."

2. If it shall appear to the Local Government that the offence of female infanticide is commonly committed in any District, or by any class, or family, or persons residing therein, it shall be lawful for the Local Government, with the previous sanction of the Governor General of India in Council, to declare, by notification to be published in the official Gazette, and in such other manner as the Local Government shall direct, that measures for the prevention of such offence shall be taken under this Act, in such District, or in respect of such class, or family, or persons.

Power to take measures under Act in particular districts.

The notification shall define the limits of such district or shall specify the class, or family, or persons to whom such notification is to be deemed to apply.

3. When such notification shall have been published as aforesaid, it shall be lawful for the Local Government, subject to the provisions of section four, from time to time to make rules consistent with this Act, for all or any of the following purposes:—

Power to make rules.

(1.) For making and maintaining registers of births, marriages, and deaths occurring in such district, or in or among the class, family, or persons to whom such notification has been made applicable; and of making, from time to time, a census of such persons, or of any other persons residing within such district:

(2.) For the entertainment of any police force in excess of the ordinary fixed establishment of police, or for the entertainment of any officers or servants, for the purpose of preventing or detecting the offence of female infanticide in such district, or in or among such class, family, or persons, or for carrying out any of the provisions of this Act:

(3.) For prescribing how information shall be given to the proper officers of all births, marriages, and deaths occurring in such district, or in or among such class, family, or persons:

(4.) For the regulation and limitation of marriage expenses which may be incurred by any person to whom such notification is applicable:

(5.) For defining the duties of any officer or servant appointed to carry out any rule made under this section:

(6.) For regulating the manner in which all or any of the expenses incurred in carrying into effect rules made under this section shall be recovered from all or any of the inhabitants of such district, or from the persons to whom such notification is applicable.

4. No rule made or altered under section three shall have effect until the same shall have been confirmed by the Governor General of India in Council and published in the *Gazette of India* and also in the local Gazette. Copies of every such rule shall be affixed in such places, and shall be distributed in such manner as the Local Government may direct.

Confirmation and publication of rules.

5. All Courts and Magistrates shall take judicial notice of all rules made and published as aforesaid.

Rules to be judicially noticed.

6. Whoever disobeys any such rule shall, on conviction before the Magistrate of the District or other officer exercising the powers of a Magistrate, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Punishment for breach of rules.

7. Nothing in this Act, or in any rule made and published as aforesaid, shall prevent any person from being prosecuted under any other law for any offence punishable under this Act, or from being liable under any other law to any other punishment than is provided for such offence by this Act. Provided that no person shall be punished twice for the same offence.

Saving of prosecutions under other laws.

8. If it shall appear to the Magistrate of the District that any person to whom the notification mentioned in section two is applicable, neglects to make proper provision for the maintenance of any female child for whose maintenance he is legally responsible, and it shall appear to such Magistrate that the life or health of such child is thereby endangered, it shall be lawful for such Magistrate to place such child under such supervision as he may think proper, and, if necessary, to remove such child from the custody of such person.

Power to place neglected children under supervision.

Nothing in this section shall interfere with the powers of Magistrates under section 316 of the Code of Criminal Procedure.

9. This Act shall, in the first instance, extend only to the North-Western Provinces, to the Panjáb, and to Oudh; but it may be extended, by order of the Governor General of India in Council, to any part of the territories under the immediate administration of the Government of India, or by order of the Governor of Madras in Council, or by order of the Governor of Bombay in Council, or by order of the Lieutenant Governor of Bengal, to any part of the territories under their respective governments.

Extent of Act.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to prevent female infanticide, a crime which has long been practised in India, especially by the Rájputs of the north of India. Two Regulations (XXI of 1795 and III of 1804) were directed against this crime. But they were found to be ineffective, and were at last repealed by Act XVII of 1862. The existing law, which is contained in the Penal Code, is acknowledged on all hands to be quite insufficient. Recent investigations prove that the crime is terribly prevalent. For example, in 1868, by order of the Lieutenant Governor of the North-Western Provinces, Mr. Hobart examined a group of ten villages in the district of Basti inhabited by Rájputs, and in seven of them he found 104 boys and only one girl, and the people admitted that, for the previous ten years, only one girl had been married. In another group of twenty-seven villages, he found, in twenty-three villages, 284 boys, but only 23 girls, and in ten other villages he found that the marriage of a girl was an unknown ceremony. Again, there was another group of sixteen villages, in four of which no girls existed; and in nine other villages there were 71 boys and seven girls.

The cause of the crime is two-fold: first, the enormous cost of marriage-ceremonies, which are invariably defrayed by the father of the bride; secondly, the effect of immemorial custom. The remedial measures must also be two-fold; and the Bill accordingly proposes to give the Local Governments power to frame rules, first, to prevent extravagant expenditure on marriages, and, secondly, to abrogate the custom above mentioned. The experience of many districts tends to show that this latter object may to a great extent be attained by introducing a system of registration of births and deaths in places tainted with the crime, and a system of periodical inspection and enumeration of children. To do this completely and effectively, legislation is required. The Bill is very similar to one prepared by the Agra Sadr Court in 1856, and it has been, in all essential respects, approved by the Local Governments of the Provinces in which the crime prevails.

J. STRACHEY.

January 14, 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, FEBRUARY 12, 1870.

☞ **Separate paging is given to this Part in order that it may be filed as a separate compilation.**

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th February 1870, and was referred to a Select Committee with instructions to make their report thereon in one month.

No. 4 OF 1870.

A Bill for the prevention of Female Infanticide.

WHEREAS the offence of female infanticide is believed to be commonly committed in certain parts of British India; and whereas it is necessary to make better provision for the prevention of the said offence; It is hereby enacted as follows:—

Preamble.

1. For the purposes of this Act, "District" means such part of the country or place as shall be described in the notification mentioned in section two:

"District."

"Marriage expenses" includes all expenses incurred on account of the celebration of marriage, or of any ceremony or custom connected therewith.

"Marriage expenses."

2. If it shall appear to the Local Government that the offence of female infanticide is commonly committed in any District, or by any class, or family, or persons residing therein, it shall be lawful for the Local Government, with the previous sanction of the Governor General of India in Council, to declare, by notification to be published in the official Gazette, and in such other manner as the Local Government shall direct, that measures for the prevention of such offence shall be taken under this Act, in such District, or in respect of such class, or family, or persons.

Power to take measures under Act in particular districts.

The notification shall define the limits of such district or shall specify the class, or family, or persons to whom such notification is to be deemed to apply.

3. When such notification shall have been published as aforesaid, it shall be lawful for the Local Government, subject to the provisions of section four, from time to time to make rules consistent with this Act, for all or any of the following purposes:—

Power to make rules.

(1.) For making and maintaining registers of births, marriages, and deaths occurring in such district, or in or among the class, family, or persons to whom such notification has been made applicable, and of making, from time to time, a census of such persons, or of any other persons residing within such district:

(2.) For the entertainment of any police force in excess of the ordinary fixed establishment of police, or for the entertainment of any officers or servants, for the purpose of preventing or detecting the offence of female infanticide in such district, or in or among such class, family, or persons, or for carrying out any of the provisions of this Act:

(3.) For prescribing how information shall be given to the proper officers of all births, marriages, and deaths occurring in such district, or in or among such class, family, or persons:

(4.) For the regulation and limitation of marriage expenses which may be incurred by any person to whom such notification is applicable:

(5.) For defining the duties of any officer or servant appointed to carry out any rule made under this section:

(6.) For regulating the manner in which all or any of the expenses incurred in carrying into effect rules made under this section shall be recovered from all or any of the inhabitants of such district, or from the persons to whom such notification is applicable.

4. No rule made or altered under section three shall have effect until the same shall have been confirmed by the Governor General of India in Council and published in the *Gazette of India* and also in the local Gazette. Copies of every such rule shall be affixed in such places, and shall be distributed in such manner as the Local Government may direct.

Confirmation and publication of rules.

5. All Courts and Magistrates shall take judicial notice of all rules made and published as aforesaid.

Rules to be judicially noticed.

6. Whoever disobeys any such rule shall, on conviction before the Magistrate of the District or other officer exercising the powers of a Magistrate, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Punishment for breach of rules.

7. Nothing in this Act, or in any rule made and published as aforesaid, shall prevent any person from being prosecuted under any other law for any offence punishable under this Act, or from being liable under any other law to any other punishment than is provided for such offence by this Act. Provided that no person shall be punished twice for the same offence.

Saving of prosecutions under other laws.

8. If it shall appear to the Magistrate of the District that any person to whom the notification mentioned in section two is applicable, neglects to make proper provision for the maintenance of any female child for whose maintenance he is legally responsible, and it shall appear to such Magistrate that the life or health of such child is thereby endangered, it shall be lawful for such Magistrate to place such child under such supervision as he may think proper, and, if necessary, to remove such child from the custody of such person.

Power to place neglected children under supervision.

Nothing in this section shall interfere with the powers of Magistrates under section 316 of the Code of Criminal Procedure.

9. This Act shall, in the first instance, extend only to the North-Western Provinces, to the Panjáb, and to Oudh; but it may be extended, by order of the Governor General of India in Council, to any part of the territories under the immediate administration of the Government of India, or by order of the Governor of Madras in Council, or by order of the Governor of Bombay in Council, or by order of the Lieutenant Governor of Bengal, to any part of the territories under their respective governments.

Extent of Act.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to prevent female infanticide, a crime which has long been practised in India, especially by the Rajputs of the north of India. Two Regulations (XXI of 1795 and III of 1804) were directed against this crime. But they were found to be ineffective, and were at last repealed by Act XVII of 1862. The existing law, which is contained in the Penal Code, is acknowledged on all hands to be quite insufficient. Recent investigations prove that the crime is terribly prevalent. For example, in 1868, by order of the Lieutenant Governor of the North-Western Provinces, Mr. Hobart examined a group of ten villages in the district of Basti inhabited by Rájputs, and in seven of them he found 104 boys and only one girl, and the people admitted that, for the previous ten years, only one girl had been married. In another group of twenty-seven villages, he found, in twenty-three villages, 284 boys, but only 23 girls, and in ten other villages he found that the marriage of a girl was an unknown ceremony. Again, there was another group of sixteen villages, in four of which no girls existed; and in nine other villages there were 71 boys and seven girls.

The cause of the crime is two-fold: first, the enormous cost of marriage-ceremonies, which are invariably defrayed by the father of the bride; secondly, the effect of immemorial custom. The remedial measures must also be two-fold; and the Bill accordingly proposes to give the Local Governments power to frame rules, first, to prevent extravagant expenditure on marriages, and, secondly, to abrogate the custom above mentioned. The experience of many districts tends to show that this latter object may to a great extent be attained by introducing a system of registration of births and deaths in places tainted with the crime, and a system of periodical inspection and enumeration of children. To do this completely and effectively, legislation is required. The Bill is very similar to one prepared by the Agra Sadr Court in 1856, and it has been, in all essential respects, approved by the Local Governments of the Provinces in which the crime prevails.

J. STRACHEY.

January 14, 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 11th February 1870:—

No. 5 OF 1870.

A Bill to enable the Governor General in Council to increase the fee payable under section 31 *of the Emigration Act.*

WHEREAS, under section nine of Act No. VI of 1869 *(to amend the law relating to the Emigration of Native Labourers)*, the Governor General of India in Council is empowered to increase any fee payable under sections nineteen, twenty-seven and thirty-four of Act No. XIII of 1864 *(to consolidate and amend the law relating to the Emigration of Native Labourers)*; and whereas it is expedient that he should also be empowered to increase the fee payable under section thirty-one of the same Act: It is hereby enacted as follows:—

Preamble.

1. The Governor General of India in Council may from time to time, by notification in the *Gazette of India*, increase any fee payable under section thirty-one of the said Act No. XIII of 1864, and may also in like manner reduce to its present amount any fee so increased: Provided that no fee shall be increased under this section by more than double such amount.

Power to increase fees payable under Act XIII of 1864, section 31.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is simply to enable the Government of India to enhance, to a sum not exceeding two rupees, the fee now payable by the recruiter to the Magistrate for the registration in the Mofussil of a Native emigrant. A similar power was given by Act VI of 1869, as regards fees payable for licensing depôts, for licensing recruiters, and for registering emigrants recruited in the Presidency Towns. But it is found that the expenses of working the Emigration Act are so considerable as to require the further aid which the present Bill is intended to furnish.

F. S. CHAPMAN.

The 28th January 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, FEBRUARY 19, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th February 1870, and was referred to a Select Committee with instructions to make their report thereon in one month.

No. 4 OF 1870.

A Bill for the prevention of Female Infanticide.

Preamble.

WHEREAS the offence of female infanticide is believed to be commonly committed in certain parts of British India; and whereas it is necessary to make better provision for the prevention of the said offence; It is hereby enacted as follows:—

"District."

1. For the purposes of this Act, "District" means such part of the country or place as shall be described in the notification mentioned in section two:

"Marriage expenses."

"Marriage expenses" includes all expenses incurred on account of the celebration of marriage, or of any ceremony or custom connected therewith.

Power to take measures under Act in particular districts.

2. If it shall appear to the Local Government that the offence of female infanticide is commonly committed in any District, or by any class, or family, or persons residing therein, it shall be lawful for the Local Government, with the previous sanction of the Governor General of India in Council, to declare, by notification to be published in the official Gazette, and in such other manner as the Local Government shall direct, that measures for the prevention of such offence shall be taken under this Act, in such District, or in respect of such class, or family, or persons.

The notification shall define the limits of such district or shall specify the class, or family, or persons to whom such notification is to be deemed to apply.

Power to make rules.

3. When such notification shall have been published as aforesaid, it shall be lawful for the Local Government, subject to the provisions of section four, from time to time to make rules consistent with this Act, for all or any of the following purposes:—

(1.) For making and maintaining registers of births, marriages, and deaths occurring in such district, or in or among the class, family, or persons to whom such notification has been made applicable; and of making, from time to time, a census of such persons, or of any other persons residing within such district:

(2.) For the entertainment of any police force in excess of the ordinary fixed establishment of police, or for the entertainment of any officers or servants, for the purpose of preventing or detecting the offence of female infanticide in such district, or in or among such class, family, or persons, or for carrying out any of the provisions of this Act:

(3.) For prescribing how information shall be given to the proper officers of all births, marriages, and deaths occurring in such district, or in or among such class, family, or persons:

(4.) For the regulation and limitation of marriage expenses which may be incurred by any person to whom such notification is applicable:

(5.) For defining the duties of any officer or servant appointed to carry out any rule made under this section:

(6.) For regulating the manner in which all or any of the expenses incurred in carrying into effect rules made under this section shall be recovered from all or any of the inhabitants of such district, or from the persons to whom such notification is applicable.

4. No rule made or altered under section three shall have effect until the same shall have been confirmed by the Governor General of India in Council and published in the *Gazette of India* and also in the local Gazette. Copies of every such rule shall be affixed in such places, and shall be distributed in such manner as the Local Government may direct.

Confirmation and publication of rules.

5. All Courts and Magistrates shall take judicial notice of all rules made and published as aforesaid.

Rules to be judicially noticed.

6. Whoever disobeys any such rule shall, on conviction before the Magistrate of the District or other officer exercising the powers of a Magistrate, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Punishment for breach of rules.

7. Nothing in this Act, or in any rule made and published as aforesaid, shall prevent any person from being prosecuted under any other law for any offence punishable under this Act, or from being liable under any other law to any other punishment than is provided for such offence by this Act. Provided that no person shall be punished twice for the same offence.

Saving of prosecutions under other laws.

8. If it shall appear to the Magistrate of the District that any person to whom the notification mentioned in section two is applicable, neglects to make proper provision for the maintenance of any female child for whose maintenance he is legally responsible, and it shall appear to such Magistrate that the life or health of such child is thereby endangered, it shall be lawful for such Magistrate to place such child under such supervision as he may think proper, and, if necessary, to remove such child from the custody of such person.

Power to place neglected children under supervision.

Nothing in this section shall interfere with the powers of Magistrates under section 316 of the Code of Criminal Procedure.

9. This Act shall, in the first instance, extend only to the North-Western Provinces, to the Panjáb, and to Oudh; but it may be extended, by order of the Governor General of India in Council, to any part of the territories under the immediate administration of the Government of India, or by order of the Governor of Madras in Council, or by order of the Governor of Bombay in Council, or by order of the Lieutenant Governor of Bengal, to any part of the territories under their respective governments.

Extent of Act.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to prevent female infanticide, a crime which has long been practised in India, especially by the Rájputs of the north of India. Two Regulations (XXI of 1795 and III of 1804) were directed against this crime. But they were found to be ineffective, and were at last repealed by Act XVII of 1862. The existing law, which is contained in the Penal Code, is acknowledged on all hands to be quite insufficient. Recent investigations prove that the crime is terribly prevalent. For example, in 1868, by order of the Lieutenant Governor of the North-Western Provinces, Mr. Hobart examined a group of ten villages in the district of Basti inhabited by Rájputs, and in seven of them he found 104 boys and only one girl, and the people admitted that, for the previous ten years, only one girl had been married. In another group of twenty-seven villages, he found, in twenty-three villages, 284 boys, but only 23 girls, and in ten other villages he found that the marriage of a girl was an unknown ceremony. Again, there was another group of sixteen villages, in four of which no girls existed; and in nine other villages there were 71 boys and seven girls.

The cause of the crime is two-fold: first, the enormous cost of marriage-ceremonies, which are invariably defrayed by the father of the bride; secondly, the effect of immemorial custom. The remedial measures must also be two-fold; and the Bill accordingly proposes to give the Local Governments power to frame rules, first, to prevent extravagant expenditure on marriages, and, secondly, to abrogate the custom above mentioned. The experience of many districts tends to show that this latter object may to a great extent be attained by introducing a system of registration of births and deaths in places tainted with the crime, and a system of periodical inspection and enumeration of children. To do this completely and effectively, legislation is required. The Bill is very similar to one prepared by the Agra Sadr Court in 1856, and it has been, in all essential respects, approved by the Local Governments of the Provinces in which the crime prevails.

J. STRACHEY.

January 14, 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th February 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 6 OF 1870.

PRISONS BILL, 1870.

ARRANGEMENT OF SECTIONS.

CHAPTER I.

PRELIMINARY.

SECTION.
1. Short title.
Extent of Act.
Commencement of Act.
2. Repeal of enactments.
3. Interpretation-clause.

CHAPTER II.

MAINTENANCE AND OFFICERS OF PRISONS.

4. Local Government to provide prison accommodation.
5. Temporary shelter of prisoners.
6. Inspector General of prisons.
7. Officers of prison.
8. Tenure of office.

CHAPTER III.

DUTIES OF OFFICERS.

Generally.

9. Officers to obey Superintendent.
10. Not to be absent without leave.
11. To examine cells, locks, &c.
12. Officers not to sell or let to prisoners.
13. Officers not to contract with prisoners.

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14. Duties of Superintendent.

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15. Residence of Gaoler.
16. To report subordinate officers.
17. To inspect the prison daily.
18. To report to Medical Officer prisoners disordered in mind.
19. To notify to Medical Officer prisoners requiring his attention.
20. To give notice of death of prisoners.
21. To keep enumerated books and accounts.
22. Responsible for safe custody of documents.
23. Not to be absent without leave.
24. Power of Deputy Gaoler.

Medical Officer.

25. When to visit prison.
26. To make daily record respecting sick prisoners.
27. Occasionally to inspect every part of prison, &c.
28. To report special cases.
29. To make entries as to death of prisoner.

Gate-Porter.

30. Duties of gate-porter.

CHAPTER IV.

ADMISSION AND DISCHARGE OF PRISONERS.

SECTION.
31. Prisoners to be searched on admission.
32. Effects retained by Gaoler.
33. Register of certain particulars relating to prisoner.
34. Discharge of prisoners.
35. Medical examination before removal and discharge of prisoners.

CHAPTER V.

DISCIPLINE OF PRISONERS.

36. Requisitions of Act as to separation of prisoners.
37. Cells to be certified for confinement of prisoners.
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45. Prison-allowance of food for convicted prisoner.
Sick diet.
Quality and weight of provisions.
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CHAPTER VII.

EMPLOYMENT OF PRISONERS.

50. Work and earnings of debtors.
51. Employment of prisoners before trial.
52. Allowance out of earnings to acquitted prisoners.
53. Hours of hard labour.
54. Regulations as to hard labour of the second class.
55. Examination by Medical Officer of prisoners at hard labour.
56. Employment of prisoners not sentenced to hard labour.
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CHAPTER VIII.

HEALTH AND INSTRUCTION OF PRISONERS.

58. Exercise of debtors.
59. Exercise of prisoners in separate confinement.
60. When prisoners to be reported to Medical Officer.
61. Entry of directions by Medical Officer.
62. Infirmaries.
63. Release of sick prisoners.
64. Instruction of prisoners.

CHAPTER IX.

VISITS TO AND COMMUNICATION WITH PRISONERS.

SECTION.
65. Communication with prisoners.
66. Power of Gaoler as to visitors.

CHAPTER X.

OFFENCES IN RELATION TO PRISONS.

67. Punishment for carrying spirituous liquors or tobacco into prison.
68. Punishment for carrying letters into and out of prisons.
69. Abetment of offences under sections 67, 68.
70. Notice of penalties to be placed outside of prison.
71. Additional punishment of prison-officers.

CHAPTER XI.

PRISON OFFENCES.

72. Superintendent to punish for prison-offences.
73. Punishment of prisoners by Magistrate.
74. Confinement in irons by Gaoler of his own authority.
75. Confinement in irons of prisoners sentenced to rigorous imprisonment.
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77. Corporal punishment.
78. Penalty on officers violating rules.
79. Suspension or dismissal of subordinate officers.
80. Saving of powers to commit prisoners for trial.

CHAPTER XII.

MISCELLANEOUS.

81. Power to make supplementary prison-rules.
82. Power to make rules for control of convicts employed on roads.
83. Exercise of powers of Superintendent and Gaoler.

SCHEDULE.

A Bill to amend the law relating to Prisons in the Panjáb and the Provinces under the immediate administration of the Government of India.

WHEREAS it is expedient to amend the law relating to prisons in the Panjáb and the Provinces under the immediate administration of the Government of India and to provide rules for the regulation of such prisons; It is hereby enacted as follows:—

Preamble.

CHAPTER I.—PRELIMINARY.

Short title.

1. This Act may be called "The Prisons Act, 1870:"

Extent of Act.

It extends only to the Panjáb and to the Provinces under the immediate administration of the Government of India;

Commencement of Act.

And it shall come into force on the first day of May 1870.

Repeal of enactments.

2. On and after that day the enactments mentioned in the schedule to this Act annexed shall, so far as regards the Panjáb and the said Provinces, be repealed to the extent therein specified.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context—

"Prison." "Prison" means any gaol or penitentiary, and includes the airing-grounds or other grounds or buildings occupied by prison officers for the use of the prison and contiguous thereto; and

"Criminal prisoner." "Criminal prisoner" means any prisoner charged with or convicted of a crime.

CHAPTER II.—MAINTENANCE AND OFFICERS OF PRISONS.

Local Government to provide prison accommodation.

4. The Local Government shall provide for the prisoners in the territories subject to such government adequate accommodation in a prison or prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of prisons.

Temporary shelter of prisoners.

5. Whenever it appears to the Local Government that the number of prisoners in any prison is greater than can conveniently or safely be kept therein,

or whenever any epidemic disease appears within any prison,

the Deputy Commissioner within whose jurisdiction such prison is situate, shall provide, in such manner as the Local Government may from time to time direct, for the temporary shelter and safe custody of so many of the prisoners as cannot be conveniently or safely kept in the prison or of prisoners likely to suffer from such disease.

Prisoners for whom such temporary shelter is provided shall be subject to the same rules as if they were within the prison.

Inspector General of Prisons.

6. The Local Government shall appoint an Inspector General of Prisons, in whom shall be vested the general control and superintendence of all prisons situate in the territories subject to such Government.

Officers of prison.

7. The Local Government shall appoint to every prison a Superintendent, a Gaoler, a Medical Officer, and such subordinate officers as it may consider necessary.

Tenure of office.

8. Every officer of a prison appointed under this Act shall hold his office during the pleasure of the Local Government, and shall receive such salary as (subject to the approval of the Governor General of India in Council) the Local Government may direct.

CHAPTER III.—DUTIES OF OFFICERS.

Generally.

Officers to obey Superintendent.

9. All officers of a prison shall obey the directions of the Superintendent, subject to the regulations of this Act, and all subordinate officers shall perform such duties as may be directed by the Gaoler with the sanction of the Superintendent, and the duties of each subordinate officer shall be inserted in a book to be kept by him.

Not to be absent without leave.

10. Subordinate officers shall not be absent from the prison without leave from the Superintendent or, in his absence, from the Gaoler, and before absenting themselves they shall leave their keys in the Gaoler's office.

To examine cells, locks, &c.

11. All subordinate officers shall, as often as may be prescribed by rules to be made under section eighty-one, examine the state of the cells, bedding, locks, bolts, and other like matters, and shall seize all prohibited articles, and deliver them to the Gaoler forthwith.

Officers not to sell or let to prisoners.

12. No officer of a prison shall sell or let to, nor shall any person in trust for or employed by him, sell or let to, or derive any benefit from the selling or letting of any article to any prisoner.

Officers not to contract with prisoners.

13. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison.

Superintendent.

Duties of Superintendent.

14. Subject to the orders of the Inspector General and to the rules contained in this Act or made by the Local Government, the Superintendent shall have the management of the prison in all matters relating to discipline, labour, expenditure, punishment, and control. He shall correspond on all matters connected with the prison with and through the Inspector General. He shall submit to the Inspector General all bills of prison expenditure with proper vouchers for audit. He shall report to the Inspector General from time to time as they occur all escapes and re-captures, and all outbreaks of epidemic disease. He shall send to the Inspector General returns of all prisoners sentenced to transportation; and he shall every quarter inspect all property of the Government in his charge and make a report of the same to the Inspector General.

Gaoler.

Residence of Gaoler.

15. The Gaoler shall reside in the prison. He shall not without the Superintendent's sanction be concerned in any other employment.

To report subordinate officers.

16. In case of misconduct on the part of any subordinate officer, the Gaoler shall without delay report to the Superintendent the particulars of such misconduct.

To inspect the prison daily.

17. The Gaoler shall, as far as practicable, visit the whole of the prison, and see every prisoner once at least in every twenty-four hours, and in default of such daily visits and inspections he shall state in his journal how far he has omitted them, and the cause thereof.

He shall at least once during the week go through the prison at an uncertain hour of the night, which visit, with the hour and state of the prison at the time, he shall record in his journal.

To report to Medical Officer prisoners disordered in mind.

18. The Gaoler shall without delay call the attention of the Medical Officer to any prisoner whose state of mind or body appears to require attention, and shall carry into effect the written directions of the Medical Officer respecting alterations of the discipline or treatment of any such prisoner.

To notify to Medical Officer prisoners requiring his attention.

19. The Gaoler shall notify to the Medical Officer without delay the illness of any prisoner, and shall deliver to him daily a list of such prisoners as complain of illness, or are removed to the infirmary, or confined to their cells by illness, and he shall deliver to the Medical Officer lists of such prisoners as are confined in punishment-cells.

To give notice of death of prisoners.

20. Upon the death of a prisoner the Gaoler shall give immediate notice thereof to the Superintendent and (where practicable) to the nearest relative of the deceased.

To keep enumerated books and accounts.

21. The Gaoler shall keep the following records and accounts:—

First.—A journal in which he shall record all such matters as he is directed to record therein by this Act, and all other occurrences of importance within the prison.

Second.—A record of the names of all prisoners committed to his charge in such form as may be directed by the Local Government.

Third.—A register of warrants.

Fourth.—A punishment-book for the entry of the punishments inflicted for prison-offences.

Fifth.—A visitors' book for the entry of any observations made by visitors to the prison.

Sixth.—A record of articles taken from prisoners.

Seventh.—A record of the employment of prisoners sentenced to hard labour, and the manner in which they have been so employed.

Eighth.—A list of books and documents committed to his care.

Ninth.—An inventory of all the furniture and moveable property belonging to the prison.

Tenth.—An account of all prison-receipts and disbursements.

Responsible for safe custody of documents.

22. The Gaoler shall be responsible for the safe custody of the journals, books, commitments, and all other documents confided to his care.

23. The Gaoler shall not be absent from the prison for a night without permission in writing from the Superintendent, and his leave of absence shall be entered in his journal; but if absent without leave for a night from unavoidable necessity, he shall state the fact and the cause of it in his journal.

Not to be absent without leave.

24. Where a Deputy Gaoler is appointed to a prison he shall be legally competent to perform any duty required by law to be performed by the Gaoler, and when the Gaoler is absent from the prison the Deputy Gaoler shall perform all his duties. Where there is no Deputy Gaoler, or in the case of his services not being available by reason of sickness or other unavoidable cause, the Superintendent shall, when the Gaoler is absent from the prison on leave, appoint an officer of the prison to act as his substitute, and during such absence the substitute so appointed shall have all the powers and perform all the duties of the Gaoler.

Power of Deputy Gaoler.

Medical Officer.

25. The Medical Officer shall visit the prison at least thrice in every week, and oftener if necessary, and shall see every prisoner in the course of the week. He shall daily visit the prisoners, if any, confined in punishment-cells, and he shall visit daily and oftener if necessary, such of the prisoners as are sick, and, when necessary, shall direct any prisoner to be removed to the infirmary.

When to visit prison.

26. The Medical Officer shall enter, in the English language, day by day, in his journal to be kept in the prison, an account of the state of every sick prisoner, the name of his disease, a description of the medicines and diet, and any other treatment which he may order for such prisoner.

To make daily record respecting sick prisoners.

27. The Medical Officer shall, once at least in every month, inspect every part of the prison, and enter in his journal the result of each inspection, recording therein any observations he may think fit to make on any want of cleanliness, drainage, warmth, or ventilation; any bad quality of the provisions, any insufficiency of clothing or bedding, any deficiency in the quantity or defect in the quality of the water or any other cause which may affect the health of the prisoners.

Occasionally to inspect every part of prison, &c.

28. Whenever the Medical Officer has reason to believe that the mind of a prisoner is or is likely to be injuriously affected by the discipline or treatment, to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent together with such directions as the Medical Officer may think proper.

To report special cases.

29. On the death of any prisoner, the Medical Officer shall forthwith enter in his journal the following particulars, namely, at what time the deceased was taken ill, when the illness was first communicated to the Medical Officer, the nature of the disease, when the prisoner died, and (in cases where a *post mortem* examination is made) an account of the appearances after death, together with any special remarks that appear to him to be required.

To make entries as to death of prisoner.

Gate-Porter.

30. The officer acting as Gate-Porter may examine all articles carried in or out of the prison, and may stop any person suspected of bringing in spirits or other prohibited articles into the prison, or of carrying out any property belonging to the prison, giving immediate notice thereof to the Gaoler.

Duties of Gate-Porter.

CHAPTER IV.—ADMISSION AND DISCHARGE OF PRISONERS.

31. Prisoners on admission shall be searched, and all weapons and prohibited articles shall be taken from them.

Prisoners to be searched on admission.

32. All money or other effects in respect whereof no order of a competent court shall have been made, and which shall be brought into the prison by any prisoner, or sent to the prison for his use, shall be placed in the custody of the Gaoler, who shall keep an inventory of them in a separate book.

Effects retained by Gaoler.

33. The name, age, height, weight, features, particular marks, and general appearance of a criminal prisoner shall upon his admission be noted in a record of the names of prisoners to be kept by the Gaoler.

Register of certain particulars relating to prisoner.

Every criminal prisoner shall also, as soon as possible, be examined by the Medical Officer, who shall enter in a book to be kept by the Gaoler a record of the state of health of the prisoner, and any observations which the Medical Officer may deem it expedient to add.

34. No prisoner shall be discharged except in the presence of the Superintendent or, in case of his absence, of the Deputy Commissioner.

Discharge of prisoners.

35. All prisoners, previously to being removed to any other prison, or being discharged from prison, shall be examined by the Medical Officer. No prisoner shall be removed to any other prison unless the Medical Officer certifies, by an entry in the record of names, that the prisoner is free from any illness rendering him unfit for removal. No prisoner shall be discharged from prison if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe, unless such prisoner require to be discharged.

Medical examination before removal and discharge of prisoners.

CHAPTER V.—DISCIPLINE OF PRISONERS.

36. The requisitions of this Act with respect to the separation of prisoners are as follows:—

Requisitions of Act as to separation of prisoners.

(1).—In every prison punishment-cells shall, if practicable, be provided or appropriated for the confinement of prisoners for prison-offences.

(2).—In a prison containing female prisoners as well as males, the women shall be imprisoned in separate buildings or separate parts of the same building, in such manner as to prevent their seeing, conversing or holding any intercourse with the men.

(3).—In a prison where debtors are confined, means shall be provided for separating them altogether from the criminal prisoners.

(4).—In a prison where children under twelve years of age are confined, means shall be provided for separating them altogether from the other prisoners.

(5).—Criminal prisoners before trial shall be kept apart from convicted prisoners.

37. No cell shall be used for the separate confinement of a prisoner unless it is of such a size and warmed, ventilated, and fitted up in such a manner as the Local Government shall consider to be requisite for health, and unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison.

Cells to be certified for confinement of prisoners.

38. No punishment-cell shall be used unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and can be used as a punishment-cell without detriment to the prisoner's health.

Punishment-cells.

39. Hard labour for the purposes of this Act shall be of two classes, consisting—

Hard labour of two classes.

First.—Of shot-drill, crank, capstan, stone-breaking, or such other like description of hard bodily labour as may be appointed by the Local Government, which work is hereinafter referred to as hard labour of the first class.

Secondly.—Of such other description of bodily labour as may be appointed by the Local Government, which work is hereinafter referred to as hard labour of the second class.

In every prison where prisoners sentenced to hard labour are confined, adequate means (having regard to the average number of such prisoners confined in that prison during the preceding five years) shall be provided for enforcing hard labour in accordance with the regulations of this Act, and no prison shall be deemed to be in conformity with the requisitions of this Act with respect to the enforcement of hard labour unless such means as aforesaid have been provided therein, and prisoners sentenced to hard labour have been employed thereat in manner provided by this Act.

40. Every prisoner under warrant or order for execution shall, immediately on his arrival in the prison after sentence, be searched by or by the orders of the Gaoler, and all articles shall be taken from him which the Gaoler deems dangerous or inexpedient to leave in his possession. He shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the constant charge of an officer.

Prisoners under sentence of death.

No person, not being the Deputy Commissioner, or an officer of the prison, shall have access to such prisoner except in pursuance of an order from the Deputy Commissioner.

CHAPTER VI.—FOOD AND DRESS OF PRISONERS.

41. A debtor shall be permitted to maintain himself, and to purchase or receive at proper hours, food, clothing, bedding, or other necessaries, but subject to examination, and to such rules as may be approved by the Inspector General.

Debtor may maintain himself.

42. No part of any food, clothing, bedding, or other necessaries belonging to any debtor shall be sold to any other prisoner; and any debtor transgressing this regulation shall lose the said privilege of purchasing or receiving food for such a time as the Superintendent may deem proper.

Debtor not to sell provisions.

43. A debtor, if unable to provide himself with sufficient food, clothing, bedding, or other necessaries, shall receive the allowance of food, clothing, bedding, or other necessaries allotted to debtors unable to maintain themselves by the prison-rules for the time being in force.

Prison-allowance to debtors.

44. A criminal prisoner before trial may procure for himself, or receive at proper hours, food, and clothing, bedding, or other necessaries, subject to examination, and to such rules as may be approved by the Superintendent; and any articles so procured may be paid for out of the monies belonging to such prisoner in the hands of the Gaoler.

Prisoner before trial may maintain himself.

No part of such food, bedding, clothing, or other necessaries shall be sold or transferred to any other prisoner; and any prisoner transgressing this regulation shall be prohibited from procuring any food or other necessaries for such time as the Superintendent may deem proper.

If a criminal prisoner before trial does not provide himself with food, he shall receive the allowance of food allotted to criminal prisoners before trial by the rules of the prison.

45. Every convicted criminal prisoner shall be allowed a sufficient quantity of food according to the scale established by the rules of the prison.

Prison-allowance of food for convicted prisoner.

Prisoners under the care of the Medical Officer shall be allowed such diet as he may direct.

Sick diet.

Care shall be taken that all provisions supplied to the prisoners be of proper quality and weight.

Quality and weight of provisions.

46. A convicted criminal prisoner shall be provided with a complete prison-dress, and shall be required to wear it.

Dress of convicted criminal.

47. On the discharge of a prisoner his own clothes shall be returned to him unless it has been found necessary to destroy them, in which case he shall be provided with clothing.

Return of clothing.

48. If necessary, the clothes of a prisoner shall be purified before he is allowed to wear them in the prison or to take them on his discharge.

Purification of clothing.

49. Prisoners shall be required to keep themselves clean and decent in their persons, and to conform to such rules as may be laid down for that purpose.

Personal cleanliness of prisoners.

CHAPTER VII.—EMPLOYMENT OF PRISONERS.

50. Debtors may be permitted to work and follow their respective trades and professions, provided their employment does not interfere with the regulations of the prison, and such debtors as find their own implements, and are not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings, but the earnings of such as are furnished with implements, or are maintained at the expense of the prison, shall be subject to a deduction, to be determined by the Superintendent for the use of implements and the cost of maintenance.

Work and earnings of debtors.

51. Criminal prisoners before trial shall have the option of employment, but shall not be compelled to perform any hard labour.

Employment of prisoners before trial.

52. On the acquittal of any criminal prisoner, such an allowance on account of his earnings, if any, shall be paid to such prisoner on his discharge as the Superintendent may think reasonable.

Allowance out of earnings to acquitted prisoners.

53. Every male prisoner of sixteen years of age and upwards, sentenced to hard labour, shall, during the whole of his term of imprisonment where it does not exceed three months, and during the first three months of such term where it exceeds three months, be kept at hard labour of the first class for such number of hours not more than ten or less than six (exclusive of the time required for meals) as may be prescribed by the Superintendent and during the remainder of his term shall be kept in like manner at hard labour of the first class, except where, during such remainder of his term, the Superintendent may substitute hard labour of the second class for hard labour of the first class;

Hours of hard labour.

Provided that if the Medical Officer certifies any such prisoner to be unfit to be kept at hard labour of the first class during the whole or any part of the prescribed hours, such prisoner shall, during such whole or part of the prescribed hours, be kept at hard labour of the second class, unless the Medical Officer certifies that such prisoner is unfit to be kept at either class of hard labour during the whole or any part of such hours;

Provided, also, that prisoners sentenced to hard labour for periods not exceeding fourteen days may, in pursuance of rules to be made by the Local Government, be kept in separate confinement at hard labour of the second class during the whole period of their sentences.

54. Every male prisoner under the age of sixteen years sentenced to hard labour, and every female prisoner sentenced to hard labour, shall be kept at hard labour of the second class during such number of hours, not more than ten or less than six (exclusive of the time required for meals) in each day, as may be prescribed by the Superintendent unless the Medical Officer certifies that he or she is unfit for hard labour.

Regulations as to hard labour of the second class.

55. The Medical Officer shall from time to time examine the prisoners sentenced to hard labour during the time of their being so employed, and shall enter in his journal the name of any prisoner whose health he thinks to be endangered by a continuance at hard labour of either class, and thereupon such prisoner shall not again be employed at such class of hard labour until the Medical Officer certifies that he is fit for such employment.

Examination by Medical Officer of prisoners at hard labour.

56. Provision shall be made by the Superintendent for the employment (if they shall so desire) of all criminal prisoners sentenced to simple imprisonment. The Superintendent shall make rules as to the amount and nature of such employment, but no prisoner not sentenced to hard labour shall be punished for neglect of work, excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such prisoners.

Employment of prisoners not sentenced to hard labour.

57. No gaming shall be permitted in any prison, and the Gaoler shall seize and destroy all dice, cards, or other instruments of gaming.

Prohibition of gaming.

CHAPTER VIII.—HEALTH AND INSTRUCTION OF PRISONERS.

58. Debtors shall have the means of daily taking exercise in the open air.

Exercise of debtors.

59. Criminal prisoners, if employed at work in their own cells, shall be allowed such exercise in the open air as the Medical Officer may deem necessary for their health.

Exercise of prisoners in separate confinement.

Prisoners under sentence of death shall be allowed such exercise as the Gaoler with the approval of the Superintendent may direct.

60. The names of the prisoners who desire to see the Medical Officer, or appear out of health, shall be reported by the officer attending them to the Gaoler, and by him without delay to the Medical Officer.

When prisoners to be reported to Medical Officer.

61. All directions given by the Medical Officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions in relation to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in his journal, which shall have a separate column in which entries are to be made by the Gaoler, stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Gaoler may think fit to make, and the date of the entry.

Entry of directions by Medical Officer.

62. In every prison an infirmary or proper place for the reception of sick prisoners shall be provided.

Infirmaries.

63. Whenever the Medical Officer certifies that a prisoner is suffering from disease likely to cause death, the Superintendent may, if he thinks fit, order such prisoner to be released.

Release of sick prisoners.

64. Provision shall be made in every prison for the instruction of prisoners in reading, writing, and arithmetic during such hours and to such extent as to the Superintendent may seem expedient: provided that such hours shall not be deducted from the hours prescribed for hard labour.

Instruction of prisoners.

CHAPTER IX.—VISITS TO AND COMMUNICATION WITH PRISONERS.

65. Due provision shall be made for the admission, at proper times and under proper restrictions, of persons with whom prisoners before trial may desire to communicate.

Communication with prisoners.

Such rules also shall be made by the Local Government for the admission of the friends of convicted prisoners as it may deem expedient.

The Local Government shall also impose such restrictions upon the communication and correspondence of prisoners with their friends as it judges necessary for the maintenance of good order and discipline in such prison.

66. The Gaoler may demand the name and address of any visitor to a prisoner; and when he has any ground for suspicion may search visitors or cause them to be searched, such search not to be in the presence of any prisoner or of another visitor. In case of any visitor refusing to be searched, the Gaoler may deny him or her admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in his journal.

Power of Gaoler as to visitors.

CHAPTER X.—OFFENCES IN RELATION TO PRISONS.

67. Every person who, contrary to the regulations of the prison, brings, throws or attempts by any means whatever to introduce into any prison or place provided under section five for the temporary shelter and safe custody of prisoners any spirituous or fermented liquor or tobacco or intoxicating drug, and every officer of a prison who suffers any spirituous or fermented liquor or tobacco or intoxicating drug to be sold or used in such prison or place, contrary to the prison-regulations, shall, on conviction before a Magistrate, be sentenced to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees or both, in the discretion of the Court.

Punishment for carrying spirituous liquors or tobacco into prison.

68. Every person who, contrary to the regulations of a prison, conveys or attempts to convey any letter or other document, or any article whatever not allowed by such regulations, into or out of any prison, or place provided as aforesaid shall, on conviction before a Magistrate, be liable to fine not exceeding one hundred rupees; and, if an officer of the prison, shall forfeit his office and all arrears of salary due to him; but this section shall not apply in cases where the offender is liable to a more severe punishment under any other provision of this Act.

Punishment for carrying letters into and out of prisons.

69. Whoever abets within the meaning of the Indian Penal Code any offence made punishable by section sixty-seven or section sixty-eight, shall be punished with the punishment hereinbefore provided for such offence.

Abetment of offences under sections 67, 68.

70. The Superintendent shall cause to be affixed in a conspicuous place outside the prison or place provided as aforesaid a notice setting forth the penalties that will be incurred by persons committing any offence in contravention of the three preceding sections.

Notice of penalties to be placed outside of prison.

71. Every officer of a prison convicted under section sixty-seven, sixty-eight or sixty-nine shall, in addition to any other punishment, forfeit his office and all arrears of salary due to him.

Additional punishment of prison-officers.

CHAPTER XI.—PRISON OFFENCES.

72. The Superintendent shall have power to hear complaints respecting any of the offences following; that is to say,

Superintendent to punish for prison-offences.

(1). Wilful disobedience to the regulations of the prison by any prisoner;

(2). Assaults by one prisoner on another;

(3). Indecent behaviour by any prisoner;

(4). Wilfully disabling himself from labour;

(5). Insulting or threatening language by any prisoner to any officer or prisoner;

(6). Idleness or negligence at work by any convicted criminal prisoner;

(7). Wilful mismanagement of work by any convicted criminal prisoner.

All the above acts are declared to be offences against prison-discipline; and it shall be lawful for the Superintendent to examine any person touch-

ing such offences, and to determine thereupon, and to punish such offences by ordering the offender for any time not exceeding three days to close confinement, to be there kept upon a diet reduced to such extent as the Local Government shall prescribe. The Gaoler shall enter in a separate book called the punishment-book, a statement of the nature of any offence that has been punished under this section, with the addition of the name of the offender, the date of the offence, and the amount of punishment inflicted.

Punishment of prisoners by Magistrate.

73. If any criminal prisoner is guilty of repeated offences against prison discipline, or is guilty of any offence against prison discipline which the Superintendent is not by this Act empowered to punish, the Superintendent shall report the same to any Magistrate having jurisdiction in the place in which the prison is situate, and such Magistrate shall have power to inquire upon oath and to determine concerning any matter so reported to him, and to order the offender to be punished by confinement in a punishment-cell or in irons for any term not exceeding one month in the case of a first offence, and for a term not exceeding six months in the case of a second offence, or by corporal punishment not exceeding thirty stripes of a ratan.

Provided that corporal punishment or confinement in irons shall not be inflicted on any female prisoner or any person imprisoned in a Civil Jail.

Confinement in irons by Gaoler of his own authority.

74. No prisoner shall be put in irons or under mechanical restraint by the Gaoler of his own authority, except in case of urgent necessity; and the particulars of every such case shall be forthwith entered in the Gaoler's journal, and notice forthwith given thereof to the Superintendent; and no prisoner shall be kept in irons or under mechanical restraint for more than twenty-four hours, except in case of urgent necessity, without an order in writing from the Superintendent specifying the cause thereof, and the time during which the prisoner is to be kept in irons or under mechanical restraint, which order shall be preserved by the Gaoler as his warrant.

Confinement in irons of prisoners sentenced to rigorous imprisonment.

75. Whenever the Superintendent considers it necessary for the safe custody of any prisoner sentenced to rigorous imprisonment, that such prisoner should be confined in irons, it shall be lawful for the Superintendent so to confine the said prisoner.

Confinement in irons of prisoners attempting to escape.

76. If any prisoner whether he has been sentenced to rigorous or only to simple imprisonment is convicted under section 224 of the Indian Penal Code of having attempted to escape from such imprisonment, it shall be lawful for the Superintendent in carrying into execution the remainder of such imprisonment, or any portion of the imprisonment to which the prisoner may be sentenced for such attempt, to confine the said prisoner in irons for a period not exceeding one year in the case of a first offence, and for the whole term of imprisonment to which he shall have been sentenced in the case of a second offence.

Corporal punishment.

77. All corporal punishment within the prison shall be inflicted in the presence of the Superintendent, the Gaoler and a Medical Officer. The Medical Officer shall give such orders for preventing injury to health as he may deem necessary, and it shall be the duty of the Gaoler to carry them into effect, and the Gaoler shall enter in the punishment-book the hour at which the punishment is inflicted, the number of stripes, and any orders which the Medical Officer may have given on the occasion.

Penalty on officers violating rules.

78. Every officer of a prison wilfully violating any rule contained in this Act or made under section eighty-one, shall be liable, on conviction before a Magistrate, to fine not exceeding fifty rupees.

Suspension or dismissal of subordinate officers.

79. The Superintendent may suspend, for such time as he shall think, or dismiss any subordinate officer of a prison guilty of misconduct.

Saving of powers to commit prisoners for trial.

80. Nothing in this Act shall be held to prevent the Superintendent from committing any prisoner or person employed in any prison, or in keeping prisoners in custody for trial before a Magistrate or Sessions Court, whenever such prisoner or person shall have been guilty of an offence for which the punishment authorized to be inflicted under this Act may appear inadequate.

CHAPTER XII.—MISCELLANEOUS.

Power to make supplementary prison-rules.

81. The Local Government may, with the previous sanction of the Governor General of India in Council, make such further rules consistent with this Act, as may be necessary to provide for the government of prisons and for the guidance of all officers appointed hereunder.

Copies of such rules so far as they affect the government of prisons, shall be exhibited in some place to which all persons employed within a prison have access.

Power to make rules for control of convicts employed on roads.

82. The Local Government may, with the previous sanction of the Governor General of India in Council, from time to time make rules for the control of convicts employed on roads and other public works and of the guards in charge of such convicts, and may, with the sanction aforesaid, provide such penalties as it shall think fit in case of breach of any of such rules.

Exercise of powers of Superintendent and Gaoler.

83. All or any of the powers and duties conferred and imposed by this Act on a Superintendent or a Gaoler may be exercised and performed by such other officer as the Local Government shall from time to time appoint in this behalf.

SCHEDULE.

[*See Section* 2.]

Number and Year.	Title.	Extent of repeal.
Bengal Regulation XI of 1806.	For facilitating the progress of detachments of troops through the Company's Territories; for affording any requisite assistance to persons travelling through those territories; and for extending the rules contained in sections LXVIII and LXXII, Regulation XXII, 1795, in clauses fifth and sixth, section XIV, Regulation VIII, 1805, and in section XXXI of that Regulation, to the whole of the Company's Provinces subject to the immediate Government of the Presidency of Fort William; for the guidance of the civil officers in applying for guards from the regular Battalions; and for modifying the rule contained in clause first, section XII, Regulation I, 1804.	Section 10.
Bengal Regulation XIV of 1816.	To provide more effectually for the management of the public jails; and to enable the Magistrates to maintain good order and discipline in those jails; as well as among the prisoners employed on the public roads, or other public works:—Also to place the Jail at Allypore, in the vicinity of Calcutta, under the inspection and control of the Court of Nizamut Adawlut; and to provide for the transportation of convicts to the Island of Mauritius or its immediate dependencies.	Sections 4, 5, 6, 7, 8 and 10.
Bengal Regulation XVII of 1816.	For the occasional revision of the regular Police and Jail establishments; for the due support and regulation of the Establishments of Chokeedars; for amending the rules in force for the appointment and removal of police officers; for modifying the constitution of the offices of the Superintendents of Police; and for reducing the miscellaneous business of Courts of Circuit, and Court of Nizamut Adawlut.	Sections 14 and 18.
Bengal Regulation III of 1826.	For extending to Dewanny prisoners some of the provisions in Regulation XIV, 1816, and for modifying the rule contained in section III, Regulation IV, 1816.	The whole.
Bengal Regulation IV of 1833.	To provide more effectually for the management of convicts sentenced to labour and employed on the roads or Public Works under Superintendents or their Assistants appointed by Government, and to enable those officers to maintain good order and discipline among the convicts and their guards.	The whole.
Bengal Regulation II of 1834.	For abolishing corporal punishment; for substituting a fine in certain cases for a sentence of labour; and for the gradual introduction of a better system of Prison Discipline.	Section 7.
Act No. XVIII of 1844.	For the better control and management of gaols within the Bengal Presidency.	The whole.

STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to provide rules for the regulation of prison-discipline in the Panjáb, Oudh, the Central Provinces and British Burma.

The Bengal Regulation II of 1834, section 7, authorises the Governor General in Council to introduce a system of prison-discipline, but there is no power to prescribe penalties for its infraction, and the Penal Code does not provide for such offences as the abetment, by prison- officers, of violations of prison-rules. Moreover, the power in question clearly does not apply to the Panjáb: there is some doubt as to its application to Oudh and the Central Provinces; and, as regards Burma, it seems to extend only to the Arakan Division.

The present Bill, accordingly, proposes to declare the law relating to prisons in the Provinces above mentioned, and to provide, for the regulation of such prisons, a code of rules which will be generally and permanently applicable. Such supplementary rules as the peculiar circumstances of the different Provinces may from time to time require, will be made by the Local Government under section 81.

Most of the provisions of the Bill are modelled on the English Prisons Act (28 & 29 Vic., cap. 126), and a few of its clauses have been suggested by the Bengal Acts II of 1864 and V of 1865.

The Bill is divided into twelve chapters. The first contains the usual preliminary provisions, and repeals, so far as the Provinces affected are concerned, the enactments in which the present law on the subject might be supposed to be contained.

Chapter II directs the Local Government to provide adequate prison-accommodation, both under ordinary circumstances and in case of the outbreak of an epidemic. It also provides for the appointment of an Inspector General of Prisons and of the necessary prison-officers.

Chapter III describes the duties of these officers; first, generally, secondly, as regards the Superintendent, the Gaoler, the Medical Officer and the Gate-Porter.

Chapter IV contains provisions as to the procedure on the admission and the discharge of prisoners. Section 35 provides that no prisoner suffering under any serious illness shall be discharged except at his own desire.

Chapter V gives the rules as to discipline of prisoners. It provides for their due separation, and deals with the subjects of punishment-cells, the classes of hard labour, and the treatment of prisoners under sentence of death.

Chapter VI prescribes rules as to the food and dress of civil and criminal prisoners.

Chapter VII contains provisions as to the employment of prisoners. Criminal prisoners before trial are to have the option of employment: in case of acquittal an allowance out of their earnings will be paid to them; and section 56 directs the Superintendent to provide for the employment (if they shall so desire) of criminal prisoners sentenced to simple imprisonment.

Chapter VIII lays down the law as to the health and instruction of prisoners. Section 63 (suggested by Bengal Act II of 1864, section 11) empowers the Superintendent to release any prisoner when the Medical Officer certifies that he is suffering from a disease likely to cause death.

Chapter IX contains rules as to visits to, and communication with, prisoners.

Chapter X deals with certain offences in relation to prisons which are not provided for by the Penal Code. These are, the introduction or attempt to introduce spirits, tobacco or intoxicating drugs and the carrying of letters into or out of prisons. Provision is made for punishing the abetment of such offences. This is needed, as the provisions as to abetment contained in the Penal Code apply only to offences under the Code itself. Prison-officers offending under this chapter, will be liable to the additional punishment of forfeiture of office and arrears of salary.

Chapter XI provides penalties for the ordinary offences of prisoners, and declares (section 78) that every prison-officer violating any prison-rule, shall be liable to fine not exceeding 50 rupees.

Chapter XII contains sundry miscellaneous provisions. It empowers the Local Government to make the supplementary prison-rules above referred to and to prescribe such further rules as may be necessary for the guidance of the Inspector General and other officers appointed under the proposed Act. It empowers the Local Government, with the sanction of the Governor General in Council, to make rules for the control of convicts employed on roads or other public works; and, lastly, it declares that any of the powers or duties of a Superintendent or a Gaoler, under the proposed Act, may be exercised or performed by such other officer as the Local Government shall appoint.

To legislate successfully on such a subject requires an amount of local knowledge to which the framer of the present measure cannot of course pretend. He trusts, however, that the defects of the Bill will be removed by the criticism which it will receive from the various Local Governments to which it applies.

J. F. STEPHEN.

CALCUTTA:
The 29th January 1870.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, FEBRUARY 26, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th February 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 6 OF 1870.

PRISONS BILL, 1870.

ARRANGEMENT OF SECTIONS.

CHAPTER I.

PRELIMINARY.

SECTION.

1. Short title.
   Extent of Act.
   Commencement of Act.
2. Repeal of enactments.
3. Interpretation-clause.

CHAPTER II.

MAINTENANCE AND OFFICERS OF PRISONS.

4. Local Government to provide prison accommodation.
5. Temporary shelter of prisoners.
6. Inspector General of prisons.
7. Officers of prison.
8. Tenure of office.

CHAPTER III.

DUTIES OF OFFICERS.

Generally.

SECTION.

9. Officers to obey Superintendent.
10. Not to be absent without leave.
11. To examine cells, locks, &c.
12. Officers not to sell or let to prisoners.
13. Officers not to contract with prisoners.

Superintendent.

14. Duties of Superintendent.

Gaoler.

15. Residence of Gaoler.
16. To report subordinate officers.
17. To inspect the prison daily.
18. To report to Medical Officer prisoners disordered in mind.
19. To notify to Medical Officer prisoners requiring his attention.
20. To give notice of death of prisoners.
21. To keep enumerated books and accounts.
22. Responsible for safe custody of documents.
23. Not to be absent without leave.
24. Power of Deputy Gaoler.

Medical Officer.

25. When to visit prison.
26. To make daily record respecting sick prisoners.
27. Occasionally to inspect every part of prison, &c.
28. To report special cases.
29. To make entries as to death of prisoner.

Gate-Porter.

30. Duties of gate-porter.

CHAPTER IV.

ADMISSION AND DISCHARGE OF PRISONERS.

SECTION.
31. Prisoners to be searched on admission.
32. Effects retained by Gaoler.
33. Register of certain particulars relating to prisoner.
34. Discharge of prisoners.
35. Medical examination before removal and discharge of prisoners.

CHAPTER V.

DISCIPLINE OF PRISONERS.

36. Requisitions of Act as to separation of prisoners.
37. Cells to be certified for confinement of prisoners.
38. Punishment-cells.
39. Hard labour of two classes.
40. Prisoners under sentence of death.

CHAPTER VI.

FOOD AND DRESS OF PRISONERS.

41. Debtor may maintain himself.
42. Debtor not to sell provisions.
43. Prison-allowance to debtors.
44. Prisoner before trial may maintain himself.
45. Prison-allowance of food for convicted prisoner.
Sick diet.
Quality and weight of provisions.
46. Dress of convicted criminal.
47. Return of clothing.
48. Purification of clothing.
49. Personal cleanliness of prisoners.

CHAPTER VII.

EMPLOYMENT OF PRISONERS.

50. Work and earnings of debtors.
51. Employment of prisoners before trial.
52. Allowance out of earnings to acquitted prisoners.
53. Hours of hard labour.
54. Regulations as to hard labour of the second class.
55. Examination by Medical Officer of prisoners at hard labour.
56. Employment of prisoners not sentenced to hard labour.
57. Prohibition of gaming.

CHAPTER VIII.

HEALTH AND INSTRUCTION OF PRISONERS.

58. Exercise of debtors.
59. Exercise of prisoners in separate confinement.
60. When prisoners to be reported to Medical Officer.
61. Entry of directions by Medical Officer.
62. Infirmaries.
63. Release of sick prisoners.
64. Instruction of prisoners.

CHAPTER IX.

VISITS TO AND COMMUNICATION WITH PRISONERS.

SECTION.
65. Communication with prisoners.
66. Power of Gaoler as to visitors.

CHAPTER X.

OFFENCES IN RELATION TO PRISONS.

67. Punishment for carrying spirituous liquors or tobacco into prison.
68. Punishment for carrying letters into and out of prisons.
69. Abetment of offences under sections 67, 68.
70. Notice of penalties to be placed outside of prison.
71. Additional punishment of prison-officers.

CHAPTER XI.

PRISON OFFENCES.

72. Superintendent to punish for prison-offences.
73. Punishment of prisoners by Magistrate.
74. Confinement in irons by Gaoler of his own authority.
75. Confinement in irons of prisoners sentenced to rigorous imprisonment.
76. Confinement in irons of prisoners attempting to escape.
77. Corporal punishment.
78. Penalty on officers violating rules.
79. Suspension or dismissal of subordinate officers.
80. Saving of powers to commit prisoners for trial.

CHAPTER XII.

MISCELLANEOUS.

81. Power to make supplementary prison-rules.
82. Power to make rules for control of convicts employed on roads.
83. Exercise of powers of Superintendent and Gaoler.

SCHEDULE.

A Bill to amend the law relating to Prisons in the Panjáb and the Provinces under the immediate administration of the Government of India.

WHEREAS it is expedient to amend the law relating to prisons in the Panjáb and the Provinces under the immediate administration of the Government of India and to provide rules for the regulation of such prisons; It is hereby enacted as follows:—

CHAPTER I.—PRELIMINARY.

Short title. **1.** This Act may be called "The Prisons Act, 1870:"

It extends only to the Panjáb and to the Provinces under the immediate administration of the Government of India;

Extent of Act.

Commencement of Act. And it shall come into force on the first day of May 1870.

Repeal of enactments. **2.** On and after that day the enactments mentioned in the schedule to this Act annexed shall, so far as regards the Panjáb and the said Provinces, be repealed to the extent therein specified.

Interpretation-clause. **3.** In this Act, unless there be something repugnant in the subject or context—

"Prison." "Prison" means any gaol or penitentiary, and includes the airing-grounds or other grounds or buildings occupied by prison officers for the use of the prison and contiguous thereto; and

"Criminal prisoner." "Criminal prisoner" means any prisoner charged with or convicted of a crime.

CHAPTER II.—MAINTENANCE AND OFFICERS OF PRISONS.

Local Government to provide prison accommodation. **4.** The Local Government shall provide for the prisoners in the territories subject to such government adequate accommodation in a prison or prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of prisons.

Temporary shelter of prisoners. **5.** Whenever it appears to the Local Government that the number of prisoners in any prison is greater than can conveniently or safely be kept therein,

or whenever any epidemic disease appears within any prison,

the Deputy Commissioner within whose jurisdiction such prison is situate, shall provide, in such manner as the Local Government may from time to time direct, for the temporary shelter and safe custody of so many of the prisoners as cannot be conveniently or safely kept in the prison or of prisoners likely to suffer from such disease.

Prisoners for whom such temporary shelter is provided shall be subject to the same rules as if they were within the prison.

Inspector General of Prisons. **6.** The Local Government shall appoint an Inspector General of Prisons, in whom shall be vested the general control and superintendence of all prisons situate in the territories subject to such Government.

Officers of prison. **7.** The Local Government shall appoint to every prison a Superintendent, a Gaoler, a Medical Officer, and such subordinate officers as it may consider necessary.

Tenure of office. **8.** Every officer of a prison appointed under this Act shall hold his office during the pleasure of the Local Government, and shall receive such salary as (subject to the approval of the Governor General of India in Council) the Local Government may direct.

CHAPTER III.—DUTIES OF OFFICERS.

Generally.

Officers to obey Superintendent. **9.** All officers of a prison shall obey the directions of the Superintendent, subject to the regulations of this Act, and all subordinate officers shall perform such duties as may be directed by the Gaoler with the sanction of the Superintendent, and the duties of each subordinate officer shall be inserted in a book to be kept by him.

Not to be absent without leave. **10.** Subordinate officers shall not be absent from the prison without leave from the Superintendent or, in his absence, from the Gaoler, and before absenting themselves they shall leave their keys in the Gaoler's office.

To examine cells, locks, &c. **11.** All subordinate officers shall, as often as may be prescribed by rules to be made under section eighty-one, examine the state of the cells, bedding, locks, bolts, and other like matters, and shall seize all prohibited articles, and deliver them to the Gaoler forthwith.

Officers not to sell or let to prisoners. **12.** No officer of a prison shall sell or let to, nor shall any person in trust for or employed by him, sell or let to, or derive any benefit from the selling or letting of any article to any prisoner.

Officers not to contract with prisoners. **13.** No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison.

Superintendent.

Duties of Superintendent. **14.** Subject to the orders of the Inspector General and to the rules contained in this Act or made by the Local Government, the Superintendent shall have the management of the prison in all matters relating to discipline, labour, expenditure, punishment, and control. He shall correspond on all matters connected with the prison with and through the Inspector General. He shall submit to the Inspector General all bills of prison expenditure with proper vouchers for audit. He shall report to the Inspector General from time to time as they occur all escapes and re-captures, and all outbreaks of epidemic disease. He shall send to the Inspector General returns of all prisoners sentenced to transportation; and he shall every quarter inspect all property of the Government in his charge and make a report of the same to the Inspector General.

Gaoler.

Residence of Gaoler. **15.** The Gaoler shall reside in the prison. He shall not without the Superintendent's sanction be concerned in any other employment.

To report subordinate officers. **16.** In case of misconduct on the part of any subordinate officer, the Gaoler shall without delay report to the Superintendent the particulars of such misconduct.

17. The Gaoler shall, as far as practicable, visit the whole of the prison, and see every prisoner once at least in every twenty-four hours, and in default of such daily visits and inspections he shall state in his journal how far he has omitted them, and the cause thereof.

To inspect the prison daily.

He shall at least once during the week go through the prison at an uncertain hour of the night, which visit, with the hour and state of the prison at the time, he shall record in his journal.

18. The Gaoler shall without delay call the attention of the Medical Officer to any prisoner whose state of mind or body appears to require attention, and shall carry into effect the written directions of the Medical Officer respecting alterations of the discipline or treatment of any such prisoner.

To report to Medical Officer prisoners disordered in mind.

19. The Gaoler shall notify to the Medical Officer without delay the illness of any prisoner, and shall deliver to him daily a list of such prisoners as complain of illness, or are removed to the infirmary, or confined to their cells by illness, and he shall deliver to the Medical Officer lists of such prisoners as are confined in punishment-cells.

To notify to Medical Officer prisoners requiring his attention.

20. Upon the death of a prisoner the Gaoler shall give immediate notice thereof to the Superintendent and (where practicable) to the nearest relative of the deceased.

To give notice of death of prisoners.

21. The Gaoler shall keep the following records and accounts:—

To keep enumerated books and accounts.

First.—A journal in which he shall record all such matters as he is directed to record therein by this Act, and all other occurrences of importance within the prison.

Second.—A record of the names of all prisoners committed to his charge in such form as may be directed by the Local Government.

Third.—A register of warrants.

Fourth.—A punishment-book for the entry of the punishments inflicted for prison-offences.

Fifth.—A visitors' book for the entry of any observations made by visitors to the prison.

Sixth.—A record of articles taken from prisoners.

Seventh.—A record of the employment of prisoners sentenced to hard labour, and the manner in which they have been so employed.

Eighth.—A list of books and documents committed to his care.

Ninth.—An inventory of all the furniture and moveable property belonging to the prison.

Tenth.—An account of all prison-receipts and disbursements.

22. The Gaoler shall be responsible for the safe custody of the journals, books, commitments, and all other documents confided to his care.

Responsible for safe custody of documents.

23. The Gaoler shall not be absent from the prison for a night without permission in writing from the Superintendent, and his leave of absence shall be entered in his journal; but if absent without leave for a night from unavoidable necessity, he shall state the fact and the cause of it in his journal.

Not to be absent without leave.

24. Where a Deputy Gaoler is appointed to a prison he shall be legally competent to perform any duty required by law to be performed by the Gaoler, and when the Gaoler is absent from the prison the Deputy Gaoler shall perform all his duties. Where there is no Deputy Gaoler, or in the case of his services not being available by reason of sickness or other unavoidable cause, the Superintendent shall, when the Gaoler is absent from the prison on leave, appoint an officer of the prison to act as his substitute, and during such absence the substitute so appointed shall have all the powers and perform all the duties of the Gaoler.

Power of Deputy Gaoler.

Medical Officer.

25. The Medical Officer shall visit the prison at least thrice in every week, and oftener if necessary, and shall see every prisoner in the course of the week. He shall daily visit the prisoners, if any, confined in punishment-cells, and he shall visit daily and oftener if necessary, such of the prisoners as are sick, and, when necessary, shall direct any prisoner to be removed to the infirmary.

When to visit prison.

26. The Medical Officer shall enter, in the English language, day by day, in his journal to be kept in the prison, an account of the state of every sick prisoner, the name of his disease, a description of the medicines and diet, and any other treatment which he may order for such prisoner.

To make daily record respecting sick prisoners.

27. The Medical Officer shall, once at least in every month, inspect every part of the prison, and enter in his journal the result of each inspection, recording therein any observations he may think fit to make on any want of cleanliness, drainage, warmth, or ventilation; any bad quality of the provisions, any insufficiency of clothing or bedding, any deficiency in the quantity or defect in the quality of the water or any other cause which may affect the health of the prisoners.

Occasionally to inspect every part of prison, &c.

28. Whenever the Medical Officer has reason to believe that the mind of a prisoner is or is likely to be injuriously affected by the discipline or treatment, to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent together with such directions as the Medical Officer may think proper.

To report special cases.

29. On the death of any prisoner, the Medical Officer shall forthwith enter in his journal the following particulars, namely, at what time the deceased was taken ill, when the illness was first communicated to the Medical Officer, the nature of the disease, when the prisoner died, and (in cases where a *post mortem* examination is made) an account of the appearances after death, together with any special remarks that appear to him to be required.

To make entries as to death of prisoner.

Gate-Porter.

30. The officer acting as Gate-Porter may examine all articles carried in or out of the prison, and may stop any person suspected of bringing in spirits or other prohibited articles into the prison, or of carrying out any property belonging to the prison, giving immediate notice thereof to the Gaoler.

Duties of Gate-Porter.

CHAPTER IV.—ADMISSION AND DISCHARGE OF PRISONERS.

31. Prisoners on admission shall be searched, and all weapons and prohibited articles shall be taken from them.

Prisoners to be searched on admission.

32. All money or other effects in respect whereof no order of a competent court shall have been made, and which shall be brought into the prison by any prisoner, or sent to the prison for his use, shall be placed in the custody of the Gaoler, who shall keep an inventory of them in a separate book.

Effects retained by Gaoler.

33. The name, age, height, weight, features, particular marks, and general appearance of a criminal prisoner shall upon his admission be noted in a record of the names of prisoners to be kept by the Gaoler.

Register of certain particulars relating to prisoner.

Every criminal prisoner shall also, as soon as possible, be examined by the Medical Officer, who shall enter in a book to be kept by the Gaoler a record of the state of health of the prisoner, and any observations which the Medical Officer may deem it expedient to add.

34. No prisoner shall be discharged except in the presence of the Superintendent or, in case of his absence, of the Deputy Commissioner.

Discharge of prisoners.

35. All prisoners, previously to being removed to any other prison, or being discharged from prison, shall be examined by the Medical Officer. No prisoner shall be removed to any other prison unless the Medical Officer certifies, by an entry in the record of names, that the prisoner is free from any illness rendering him unfit for removal. No prisoner shall be discharged from prison if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe, unless such prisoner require to be discharged.

Medical examination before removal and discharge of prisoners.

CHAPTER V.—DISCIPLINE OF PRISONERS.

36. The requisitions of this Act with respect to the separation of prisoners are as follows:—

Requisitions of Act as to separation of prisoners.

(1).—In every prison punishment-cells shall, if practicable, be provided or appropriated for the confinement of prisoners for prison-offences.

(2).—In a prison containing female prisoners as well as males, the women shall be imprisoned in separate buildings or separate parts of the same building, in such manner as to prevent their seeing, conversing or holding any intercourse with the men.

(3).—In a prison where debtors are confined, means shall be provided for separating them altogether from the criminal prisoners.

(4).—In a prison where children under twelve years of age are confined, means shall be provided for separating them altogether from the other prisoners.

(5).—Criminal prisoners before trial shall be kept apart from convicted prisoners.

37. No cell shall be used for the separate confinement of a prisoner unless it is of such a size and warmed, ventilated, and fitted up in such a manner as the Local Government shall consider to be requisite for health, and unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison.

Cells to be certified for confinement of prisoners.

38. No punishment-cell shall be used unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and can be used as a punishment-cell without detriment to the prisoner's health.

Punishment-cells.

39. Hard labour for the purposes of this Act shall be of two classes, consisting—

Hard labour of two classes.

First.—Of shot-drill, crank, capstan, stone-breaking, or such other like description of hard bodily labour as may be appointed by the Local Government, which work is hereinafter referred to as hard labour of the first class.

Secondly.—Of such other description of bodily labour as may be appointed by the Local Government, which work is hereinafter referred to as hard labour of the second class.

In every prison where prisoners sentenced to hard labour are confined, adequate means (having regard to the average number of such prisoners confined in that prison during the preceding five years) shall be provided for enforcing hard labour in accordance with the regulations of this Act, and no prison shall be deemed to be in conformity with the requisitions of this Act with respect to the enforcement of hard labour unless such means as aforesaid have been provided therein, and prisoners sentenced to hard labour have been employed thereat in manner provided by this Act.

40. Every prisoner under warrant or order for execution shall, immediately on his arrival in the prison after sentence, be searched by or by the orders of the Gaoler, and all articles shall be taken from him which the Gaoler deems dangerous or inexpedient to leave in his possession. He shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the constant charge of an officer.

Prisoners under sentence of death.

No person, not being the Deputy Commissioner, or an officer of the prison, shall have access to such prisoner except in pursuance of an order from the Deputy Commissioner.

CHAPTER VI.—FOOD AND DRESS OF PRISONERS.

41. A debtor shall be permitted to maintain himself, and to purchase or receive at proper hours, food, clothing, bedding, or other necessaries, but subject to examination, and to such rules as may be approved by the Inspector General.

Debtor may maintain himself.

42. No part of any food, clothing, bedding, or other necessaries belonging to any debtor shall be sold to any other prisoner; and any debtor transgressing this regulation shall lose the said privilege of purchasing or receiving food for such a time as the Superintendent may deem proper.

Debtor not to sell provisions.

43. A debtor, if unable to provide himself with sufficient food, clothing, bedding, or other necessaries, shall receive the allowance of food, clothing, bedding, or other necessaries allotted to debtors unable to maintain themselves by the prison-rules for the time being in force.

Prison-allowance to debtors.

44. A criminal prisoner before trial may procure for himself, or receive at proper hours, food, and clothing, bedding, or other necessaries, subject to examination, and to such rules as may be approved by the Superintendent; and any articles so procured may be paid for out of the monies belonging to such prisoner in the hands of the Gaoler.

Prisoner before trial may maintain himself.

No part of such food, bedding, clothing, or other necessaries shall be sold or transferred to any other prisoner; and any prisoner transgressing this regulation shall be prohibited from procuring any food or other necessaries for such time as the Superintendent may deem proper.

If a criminal prisoner before trial does not provide himself with food, he shall receive the allowance of food allotted to criminal prisoners before trial by the rules of the prison.

45. Every convicted criminal prisoner shall be allowed a sufficient quantity of food according to the scale established by the rules of the prison.

Prison-allowance of food for convicted prisoner.

Prisoners under the care of the Medical Officer shall be allowed such diet as he may direct.

Sick diet.

Care shall be taken that all provisions supplied to the prisoners be of proper quality and weight.

Quality and weight of provisions.

46. A convicted criminal prisoner shall be provided with a complete prison-dress, and shall be required to wear it.

Dress of convicted criminal.

47. On the discharge of a prisoner his own clothes shall be returned to him unless it has been found necessary to destroy them, in which case he shall be provided with clothing.

Return of clothing.

48. If necessary, the clothes of a prisoner shall be purified before he is allowed to wear them in the prison or to take them on his discharge.

Purification of clothing.

49. Prisoners shall be required to keep themselves clean and decent in their persons, and to conform to such rules as may be laid down for that purpose.

Personal cleanliness of prisoners.

CHAPTER VII.—EMPLOYMENT OF PRISONERS.

50. Debtors may be permitted to work and follow their respective trades and professions, provided their employment does not interfere with the regulations of the prison, and such debtors as find their own implements, and are not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings, but the earnings of such as are furnished with implements, or are maintained at the expense of the prison, shall be subject to a deduction, to be determined by the Superintendent for the use of implements and the cost of maintenance.

Work and earnings of debtors.

51. Criminal prisoners before trial shall have the option of employment, but shall not be compelled to perform any hard labour.

Employment of prisoners before trial.

52. On the acquittal of any criminal prisoner, such an allowance on account of his earnings, if any, shall be paid to such prisoner on his discharge as the Superintendent may think reasonable.

Allowance out of earnings to acquitted prisoners.

53. Every male prisoner of sixteen years of age and upwards, sentenced to hard labour, shall, during the whole of his term of imprisonment where it does not exceed three months, and during the first three months of such term where it exceeds three months, be kept at hard labour of the first class for such number of hours not more than ten or less than six (exclusive of the time required for meals) as may be prescribed by the Superintendent and during the remainder of his term shall be kept in like manner at hard labour of the first class, except where, during such remainder of his term, the Superintendent may substitute hard labour of the second class for hard labour of the first class;

Hours of hard labour.

Provided that if the Medical Officer certifies any such prisoner to be unfit to be kept at hard labour of the first class during the whole or any part of the prescribed hours, such prisoner shall, during such whole or part of the prescribed hours, be kept at hard labour of the second class, unless the Medical Officer certifies that such prisoner is unfit to be kept at either class of hard labour during the whole or any part of such hours;

Provided, also, that prisoners sentenced to hard labour for periods not exceeding fourteen days may, in pursuance of rules to be made by the Local Government, be kept in separate confinement at hard labour of the second class during the whole period of their sentences.

54. Every male prisoner under the age of sixteen years sentenced to hard labour, and every female prisoner sentenced to hard labour, shall be kept at hard labour of the second class during such number of hours, not more than ten or less than six (exclusive of the time required for meals) in each day, as may be prescribed by the Superintendent unless the Medical Officer certifies that he or she is unfit for hard labour.

Regulations as to hard labour of the second class.

55. The Medical Officer shall from time to time examine the prisoners sentenced to hard labour during the time of their being so employed, and shall enter in his journal the name of any prisoner whose health he thinks to be endangered by a continuance at hard labour of either class, and thereupon such prisoner shall not again be employed at such class of hard labour until the Medical Officer certifies that he is fit for such employment.

Examination by Medical Officer of prisoners at hard labour.

56. Provision shall be made by the Superintendent for the employment (if they shall so desire) of all criminal prisoners sentenced to simple imprisonment. The Superintendent shall make rules as to the amount and nature of such employment, but no prisoner not sentenced to hard labour shall be punished for neglect of work, excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such prisoners.

Employment of prisoners not sentenced to hard labour.

57. No gaming shall be permitted in any prison, and the Gaoler shall seize and destroy all dice, cards, or other instruments of gaming.

Prohibition of gaming.

CHAPTER VIII.—HEALTH AND INSTRUCTION OF PRISONERS.

58. Debtors shall have the means of daily taking exercise in the open air.

Exercise of debtors.

59. Criminal prisoners, if employed at work in their own cells, shall be allowed such exercise in the open air as the Medical Officer may deem necessary for their health.

Exercise of prisoners in separate confinement.

Prisoners under sentence of death shall be allowed such exercise as the Gaoler with the approval of the Superintendent may direct.

60. The names of the prisoners who desire to see the Medical Officer, or appear out of health, shall be reported by the officer attending them to the Gaoler, and by him without delay to the Medical Officer.

When prisoners to be reported to Medical Officer.

61. All directions given by the Medical Officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions in relation to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in his journal, which shall have a separate column in which entries are to be made by the Gaoler, stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Gaoler may think fit to make, and the date of the entry.

Entry of directions by Medical Officer.

62. In every prison an infirmary or proper place for the reception of sick prisoners shall be provided.

Infirmaries.

63. Whenever the Medical Officer certifies that a prisoner is suffering from disease likely to cause death, the Superintendent may, if he thinks fit, order such prisoner to be released.

Release of sick prisoners.

64. Provision shall be made in every prison for the instruction of prisoners in reading, writing, and arithmetic during such hours and to such extent as to the Superintendent may seem expedient: provided that such hours shall not be deducted from the hours prescribed for hard labour.

Instruction of prisoners.

CHAPTER IX.—VISITS TO AND COMMUNICATION WITH PRISONERS.

65. Due provision shall be made for the admission, at proper times and under proper restrictions, of persons with whom prisoners before trial may desire to communicate.

Communication with prisoners.

Such rules also shall be made by the Local Government for the admission of the friends of convicted prisoners as it may deem expedient.

The Local Government shall also impose such restrictions upon the communication and correspondence of prisoners with their friends as it judges necessary for the maintenance of good order and discipline in such prison.

66. The Gaoler may demand the name and address of any visitor to a prisoner; and when he has any ground for suspicion may search visitors or cause them to be searched, such search not to be in the presence of any prisoner or of another visitor. In case of any visitor refusing to be searched, the Gaoler may deny him or her admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in his journal.

Power of Gaoler as to visitors.

CHAPTER X.—OFFENCES IN RELATION TO PRISONS.

67. Every person who, contrary to the regulations of the prison, brings, throws or attempts by any means whatever to introduce into any prison or place provided under section five for the temporary shelter and safe custody of prisoners any spirituous or fermented liquor or tobacco

Punishment for carrying spirituous liquors or tobacco into prison.

or intoxicating drug, and every officer of a prison who suffers any spirituous or fermented liquor or tobacco or intoxicating drug to be sold or used in such prison or place, contrary to the prison-regulations, shall, on conviction before a Magistrate, be sentenced to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees or both, in the discretion of the Court.

68. Every person who, contrary to the regulations of a prison, conveys or attempts to convey any letter or other document, or any article whatever not allowed by such regulations, into or out of any prison, or place provided as aforesaid shall, on conviction before a Magistrate, be liable to fine not exceeding one hundred rupees; and, if an officer of the prison, shall forfeit his office and all arrears of salary due to him; but this section shall not apply in cases where the offender is liable to a more severe punishment under any other provision of this Act.

Punishment for carrying letters into and out of prisons.

69. Whoever abets within the meaning of the Indian Penal Code any offence made punishable by section sixty-seven or section sixty-eight, shall be punished with the punishment hereinbefore provided for such offence.

Abetment of offences under sections 67, 68.

70. The Superintendent shall cause to be affixed in a conspicuous place outside the prison or place provided as aforesaid a notice setting forth the penalties that will be incurred by persons committing any offence in contravention of the three preceding sections.

Notice of penalties to be placed outside of prison.

71. Every officer of a prison convicted under section sixty-seven, sixty-eight or sixty-nine shall, in addition to any other punishment, forfeit his office and all arrears of salary due to him.

Additional punishment of prison-officers.

CHAPTER XI.—PRISON OFFENCES.

72. The Superintendent shall have power to hear complaints respecting any of the offences following; that is to say,

Superintendent to punish for prison-offences.

(1). Wilful disobedience to the regulations of the prison by any prisoner;

(2). Assaults by one prisoner on another;

(3). Indecent behaviour by any prisoner;

(4). Wilfully disabling himself from labour;

(5). Insulting or threatening language by any prisoner to any officer or prisoner;

(6). Idleness or negligence at work by any convicted criminal prisoner;

(7). Wilful mismanagement of work by any convicted criminal prisoner.

All the above acts are declared to be offences against prison-discipline; and it shall be lawful for the Superintendent to examine any person touching such offences, and to determine thereupon, and to punish such offences by ordering the offender for any time not exceeding three days to close confinement, to be there kept upon a diet reduced to such extent as the Local Government shall prescribe. The Gaoler shall enter in a separate book called the punishment-book, a statement of the nature of any offence that has been punished under this section, with the addition of the name of the offender, the date of the offence, and the amount of punishment inflicted.

73. If any criminal prisoner is guilty of repeated offences against prison discipline, or is guilty of any offence against prison discipline which the Superintendent is not by this Act empowered to punish, the Superintendent shall report the same to any Magistrate having jurisdiction in the place in which the prison is situate, and such Magistrate shall have power to inquire upon oath and to determine concerning any matter so reported to him, and to order the offender to be punished by confinement in a punishment-cell or in irons for any term not exceeding one month in the case of a first offence, and for a term not exceeding six months in the case of a second offence, or by corporal punishment not exceeding thirty stripes of a rattan.

Punishment of prisoners by Magistrate.

Provided that corporal punishment or confinement in irons shall not be inflicted on any female prisoner or any person imprisoned in a Civil Jail.

74. No prisoner shall be put in irons or under mechanical restraint by the Gaoler of his own authority, except in case of urgent necessity; and the particulars of every such case shall be forthwith entered in the Gaoler's journal, and notice forthwith given thereof to the Superintendent; and no prisoner shall be kept in irons or under mechanical restraint for more than twenty-four hours, except in case of urgent necessity, without an order in writing from the Superintendent specifying the cause thereof, and the time during which the prisoner is to be kept in irons or under mechanical restraint, which order shall be preserved by the Gaoler as his warrant.

Confinement in irons by Gaoler of his own authority.

75. Whenever the Superintendent considers it necessary for the safe custody of any prisoner sentenced to rigorous imprisonment, that such prisoner should be confined in irons, it shall be lawful for the Superintendent so to confine the said prisoner.

Confinement in irons of prisoners sentenced to rigorous imprisonment.

76. If any prisoner whether he has been sentenced to rigorous or only to simple imprisonment is convicted under section 224 of the Indian Penal Code of having attempted to escape from such imprisonment, it shall be lawful for the Superintendent in carrying into execution the remainder of such imprisonment, or any portion of the imprisonment to which the prisoner may be sentenced for such attempt, to confine the said prisoner in irons for a period not exceeding one year in the case of a first offence, and for the whole term of imprisonment to which he shall have been sentenced in the case of a second offence.

Confinement in irons of prisoners attempting to escape.

77. All corporal punishment within the prison shall be inflicted in the presence of the Superintendent, the Gaoler and a Medical Officer. The Medical Officer shall give such orders for preventing injury to health as he may deem necessary, and it shall be the duty of the Gaoler to carry them into effect, and the Gaoler shall enter in the punishment-book the hour at which the punishment is inflicted, the number of stripes, and any orders which the Medical Officer may have given on the occasion.

Corporal punishment.

78. Every officer of a prison wilfully violating any rule contained in this Act or made under section eighty-one, shall be liable, on conviction before a Magistrate, to fine not exceeding fifty rupees.

Penalty on officers violating rules.

79. The Superintendent may suspend, for such time as he shall think, or dismiss any subordinate officer of a prison guilty of misconduct.

Suspension or dismissal of subordinate officers.

80. Nothing in this Act shall be held to prevent the Superintendent from committing any prisoner or person employed in any prison, or in keeping prisoners in custody for trial before a Magistrate or Sessions Court, whenever such prisoner or person shall have been guilty of an offence for which the punishment authorized to be inflicted under this Act may appear inadequate.

Saving of powers to commit prisoners for trial.

CHAPTER XII.—MISCELLANEOUS.

81. The Local Government may, with the previous sanction of the Governor General of India in Council, make such further rules consistent with this Act, as may be necessary to provide for the government of prisons and for the guidance of all officers appointed hereunder.

Power to make supplementary prison-rules.

Copies of such rules so far as they affect the government of prisons, shall be exhibited in some place to which all persons employed within a prison have access.

82. The Local Government may, with the previous sanction of the Governor General of India in Council, from time to time make rules for the control of convicts employed on roads and other public works and of the guards in charge of such convicts, and may, with the sanction aforesaid, provide such penalties as it shall think fit in case of breach of any of such rules.

Power to make rules for control of convicts employed on roads.

83. All or any of the powers and duties conferred and imposed by this Act on a Superintendent or a Gaoler may be exercised and performed by such other officer as the Local Government shall from time to time appoint in this behalf.

Exercise of powers of Superintendent and Gaoler.

SCHEDULE.

[*See Section* 2.]

Number and Year.	TITLE.	Extent of repeal.
Bengal Regulation XI of 1806.	For facilitating the progress of detachments of troops through the Company's Territories; for affording any requisite assistance to persons travelling through those territories; and for extending the rules contained in sections LXVIII and LXXII, Regulation XXII, 1795, in clauses fifth and sixth, section XIV, Regulation VIII, 1805, and in section XXXI of that Regulation, to the whole of the Company's Provinces subject to the immediate Government of the Presidency of Fort William; for the guidance of the civil officers in applying for guards from the regular Battalions; and for modifying the rule contained in clause first, section XII, Regulation I, 1804.	Section 10.
Bengal Regulation XIV of 1810.	To provide more effectually for the management of the public jails; and to enable the Magistrates to maintain good order and discipline in those jails; as well as among the prisoners employed on the public roads, or other public works:—Also to place the Jail at Allypore, in the vicinity of Calcutta, under the inspection and control of the Court of Nizamut Adawlut; and to provide for the transportation of convicts to the Island of Mauritius or its immediate dependencies.	Sections 4, 5, 6, 7, 8 and 10.
Bengal Regulation XVII of 1816.	For the occasional revision of the regular Police and Jail establishments; for the due support and regulation of the Establishments of Chokeedars; for amending the rules in force for the appointment and removal of police officers; for modifying the constitution of the offices of the Superintendents of Police; and for reducing the miscellaneous business of Courts of Circuit, and Court of Nizamut Adawlut.	Sections 14 and 18.
Bengal Regulation III of 1826.	For extending to Dewanny prisoners some of the provisions in Regulation XIV, 1816, and for modifying the rule contained in section III, Regulation IV, 1816.	The whole.
Bengal Regulation IV of 1833.	To provide more effectually for the management of convicts sentenced to labour and employed on the roads or Public Works under Superintendents or their Assistants appointed by Government, and to enable those officers to maintain good order and discipline among the convicts and their guards.	The whole.
Bengal Regulation II of 1834.	For abolishing corporal punishment; for substituting a fine in certain cases for a sentence of labour; and for the gradual introduction of a better system of Prison Discipline.	Section 7.
Act No. XVIII of 1844.	For the better control and management of gaols within the Bengal Presidency.	The whole.

STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to provide rules for the regulation of prison-discipline in the Panjáb, Oudh, the Central Provinces and British Burma.

The Bengal Regulation II of 1834, section 7, authorises the Governor General in Council to introduce a system of prison-discipline, but there is no power to prescribe penalties for its infraction, and the Penal Code does not provide for such offences as the abetment, by prison- officers, of violations of prison-rules. Moreover, the power in question clearly does not apply to the Panjáb: there is some doubt as to its application to Oudh and the Central Provinces; and, as regards Burma, it seems to extend only to the Arakan Division.

The present Bill, accordingly, proposes to declare the law relating to prisons in the Provinces above mentioned, and to provide, for the regulation of such prisons, a code of rules which will be generally and permanently applicable. Such supplementary rules as the peculiar circumstances of the different Provinces may from time to time require, will be made by the Local Government under section 81.

Most of the provisions of the Bill are modelled on the English Prisons Act (28 & 29 Vic., cap. 126), and a few of its clauses have been suggested by the Bengal Acts II of 1864 and V of 1865.

The Bill is divided into twelve chapters. The first contains the usual preliminary provisions, and repeals, so far as the Provinces affected are concerned, the enactments in which the present law on the subject might be supposed to be contained.

Chapter II directs the Local Government to provide adequate prison-accommodation, both under ordinary circumstances and in case of the outbreak of an epidemic. It also provides for the appointment of an Inspector General of Prisons and of the necessary prison-officers.

Chapter III describes the duties of these officers; first, generally, secondly, as regards the Superintendent, the Gaoler, the Medical Officer and the Gate-Porter.

Chapter IV contains provisions as to the procedure on the admission and the discharge of prisoners. Section 35 provides that no prisoner suffering under any serious illness shall be discharged except at his own desire.

Chapter V gives the rules as to discipline of prisoners. It provides for their due separation, and deals with the subjects of punishment-cells, the classes of hard labour, and the treatment of prisoners under sentence of death.

Chapter VI prescribes rules as to the food and dress of civil and criminal prisoners.

Chapter VII contains provisions as to the employment of prisoners. Criminal prisoners before trial are to have the option of employment: in case of acquittal an allowance out of their earnings will be paid to them; and section 56 directs the Superintendent to provide for the employment (if they shall so desire) of criminal prisoners sentenced to simple imprisonment.

Chapter VIII lays down the law as to the health and instruction of prisoners. Section 63 (suggested by Bengal Act II of 1864, section 11) empowers the Superintendent to release any prisoner when the Medical Officer certifies that he is suffering from a disease likely to cause death.

Chapter IX contains rules as to visits to, and communication with, prisoners.

Chapter X deals with certain offences in relation to prisons which are not provided for by the Penal Code. These are, the introduction or attempt to introduce spirits, tobacco or intoxicating drugs and the carrying of letters into or out of prisons. Provision is made for punishing the abetment of such offences. This is needed, as the provisions as to abetment contained in the Penal Code apply only to offences under the Code itself. Prison-officers offending under this chapter, will be liable to the additional punishment of forfeiture of office and arrears of salary.

Chapter XI provides penalties for the ordinary offences of prisoners, and declares (section 78) that every prison-officer violating any prison-rule, shall be liable to fine not exceeding 50 rupees.

Chapter XII contains sundry miscellaneous provisions. It empowers the Local Government to make the supplementary prison-rules above referred to and to prescribe such further rules as may be necessary for the guidance of the Inspector General and other officers appointed under the proposed Act. It empowers the Local Government, with the sanction of the Governor General in Council, to make rules for the control of convicts employed on roads or other public works; and, lastly, it declares that any of the powers or duties of a Superintendent or a Gaoler, under the proposed Act, may be exercised or performed by such other officer as the Local Government shall appoint.

To legislate successfully on such a subject requires an amount of local knowledge to which the framer of the present measure cannot of course pretend. He trusts, however, that the defects of the Bill will be removed by the criticism which it will receive from the various Local Governments to which it applies.

J. F. STEPHEN.

CALCUTTA:
The 29th January 1870.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MARCH 5, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th February 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 6 OF 1870.

PRISONS BILL, 1870.

ARRANGEMENT OF SECTIONS.

CHAPTER I.

PRELIMINARY.

SECTION.

1. Short title.
   Extent of Act.
   Commencement of Act.
2. Repeal of enactments.
3. Interpretation-clause.

CHAPTER II.

MAINTENANCE AND OFFICERS OF PRISONS.

4. Local Government to provide prison accommodation.
5. Temporary shelter of prisoners.
6. Inspector General of prisons.
7. Officers of prison.
8. Tenure of office.

CHAPTER III.

DUTIES OF OFFICERS.

Generally.

SECTION.

9. Officers to obey Superintendent.
10. Not to be absent without leave.
11. To examine cells, locks, &c.
12. Officers not to sell or let to prisoners.
13. Officers not to contract with prisoners.

Superintendent.

14. Duties of Superintendent.

Gaoler.

15. Residence of Gaoler.
16. To report subordinate officers.
17. To inspect the prison daily.
18. To report to Medical Officer prisoners disordered in mind.
19. To notify to Medical Officer prisoners requiring his attention.
20. To give notice of death of prisoners.
21. To keep enumerated books and accounts.
22. Responsible for safe custody of documents.
23. Not to be absent without leave.
24. Power of Deputy Gaoler.

Medical Officer.

25. When to visit prison.
26. To make daily record respecting sick prisoners.
27. Occasionally to inspect every part of prison, &c.
28. To report special cases.
29. To make entries as to death of prisoner.

Gate-Porter.

30. Duties of gate-porter.

CHAPTER IV.

ADMISSION AND DISCHARGE OF PRISONERS.

SECTION.

31. Prisoners to be searched on admission.
32. Effects retained by Gaoler.
33. Register of certain particulars relating to prisoner.
34. Discharge of prisoners.
35. Medical examination before removal and discharge of prisoners.

CHAPTER V.

DISCIPLINE OF PRISONERS.

36. Requisitions of Act as to separation of prisoners.
37. Cells to be certified for confinement of prisoners.
38. Punishment-cells.
39. Hard labour of two classes.
40. Prisoners under sentence of death.

CHAPTER VI.

FOOD AND DRESS OF PRISONERS.

41. Debtor may maintain himself.
42. Debtor not to sell provisions.
43. Prison-allowance to debtors.
44. Prisoner before trial may maintain himself.
45. Prison-allowance of food for convicted prisoner.
Sick diet.
Quality and weight of provisions.
46. Dress of convicted criminal.
47. Return of clothing.
48. Purification of clothing.
49. Personal cleanliness of prisoners.

CHAPTER VII.

EMPLOYMENT OF PRISONERS.

50. Work and earnings of debtors.
51. Employment of prisoners before trial.
52. Allowance out of earnings to acquitted prisoners.
53. Hours of hard labour.
54. Regulations as to hard labour of the second class.
55. Examination by Medical Officer of prisoners at hard labour.
56. Employment of prisoners not sentenced to hard labour.
57. Prohibition of gaming.

CHAPTER VIII.

HEALTH AND INSTRUCTION OF PRISONERS.

58. Exercise of debtors.
59. Exercise of prisoners in separate confinement.
60. When prisoners to be reported to Medical Officer.
61. Entry of directions by Medical Officer.
62. Infirmaries.
63. Release of sick prisoners.
64. Instruction of prisoners.

CHAPTER IX.

VISITS TO AND COMMUNICATION WITH PRISONERS.

SECTION.

65. Communication with prisoners.
66. Power of Gaoler as to visitors.

CHAPTER X.

OFFENCES IN RELATION TO PRISONS.

67. Punishment for carrying spirituous liquors or tobacco into prison.
68. Punishment for carrying letters into and out of prisons.
69. Abetment of offences under sections 67, 68.
70. Notice of penalties to be placed outside of prison.
71. Additional punishment of prison-officers.

CHAPTER XI.

PRISON OFFENCES.

72. Superintendent to punish for prison-offences.
73. Punishment of prisoners by Magistrate.
74. Confinement in irons by Gaoler of his own authority.
75. Confinement in irons of prisoners sentenced to rigorous imprisonment.
76. Confinement in irons of prisoners attempting to escape.
77. Corporal punishment.
78. Penalty on officers violating rules.
79. Suspension or dismissal of subordinate officers.
80. Saving of powers to commit prisoners for trial.

CHAPTER XII.

MISCELLANEOUS.

81. Power to make supplementary prison-rules.
82. Power to make rules for control of convicts employed on roads.
83. Exercise of powers of Superintendent and Gaoler.

SCHEDULE.

A Bill to amend the law relating to Prisons in the Panjáb and the Provinces under the immediate administration of the Government of India.

Preamble.

WHEREAS it is expedient to amend the law relating to prisons in the Panjáb and the Provinces under the immediate administration of the Government of India and to provide rules for the regulation of such prisons; It is hereby enacted as follows:—

CHAPTER I.—PRELIMINARY.

Short title.

1. This Act may be called "The Prisons Act, 1870:"

Extent of Act.

It extends only to the Panjáb and to the Provinces under the immediate administration of the Government of India;

Commencement of Act.

And it shall come into force on the first day of May 1870.

Repeal of enactments.

2. On and after that day the enactments mentioned in the schedule to this Act annexed shall, so far as regards the Panjáb and the said Provinces, be repealed to the extent therein specified.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context—

"Prison."

"Prison" means any gaol or penitentiary, and includes the airing-grounds or other grounds or buildings occupied by prison officers for the use of the prison and contiguous thereto; and

"Criminal prisoner."

"Criminal prisoner" means any prisoner charged with or convicted of a crime.

CHAPTER II.—MAINTENANCE AND OFFICERS OF PRISONS.

Local Government to provide prison accommodation.

4. The Local Government shall provide for the prisoners in the territories subject to such government adequate accommodation in a prison or prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of prisons.

Temporary shelter of prisoners.

5. Whenever it appears to the Local Government that the number of prisoners in any prison is greater than can conveniently or safely be kept therein,

or whenever any epidemic disease appears within any prison,

the Deputy Commissioner within whose jurisdiction such prison is situate, shall provide, in such manner as the Local Government may from time to time direct, for the temporary shelter and safe custody of so many of the prisoners as cannot be conveniently or safely kept in the prison or of prisoners likely to suffer from such disease.

Prisoners for whom such temporary shelter is provided shall be subject to the same rules as if they were within the prison.

Inspector General of Prisons.

6. The Local Government shall appoint an Inspector General of Prisons, in whom shall be vested the general control and superintendence of all prisons situate in the territories subject to such Government.

Officers of prison.

7. The Local Government shall appoint to every prison a Superintendent, a Gaoler, a Medical Officer, and such subordinate officers as it may consider necessary.

Tenure of office.

8. Every officer of a prison appointed under this Act shall hold his office during the pleasure of the Local Government, and shall receive such salary as (subject to the approval of the Governor General of India in Council) the Local Government may direct.

CHAPTER III.—DUTIES OF OFFICERS.

Generally.

Officers to obey Superintendent.

9. All officers of a prison shall obey the directions of the Superintendent, subject to the regulations of this Act, and all subordinate officers shall perform such duties as may be directed by the Gaoler with the sanction of the Superintendent, and the duties of each subordinate officer shall be inserted in a book to be kept by him.

Not to be absent without leave.

10. Subordinate officers shall not be absent from the prison without leave from the Superintendent or, in his absence, from the Gaoler, and before absenting themselves they shall leave their keys in the Gaoler's office.

To examine cells, locks, &c.

11. All subordinate officers shall, as often as may be prescribed by rules to be made under section eighty-one, examine the state of the cells, bedding, locks, bolts, and other like matters, and shall seize all prohibited articles, and deliver them to the Gaoler forthwith.

Officers not to sell or let to prisoners.

12. No officer of a prison shall sell or let to, nor shall any person in trust for or employed by him, sell or let to, or derive any benefit from the selling or letting of any article to any prisoner.

Officers not to contract with prisoners.

13. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison.

Superintendent.

Duties of Superintendent.

14. Subject to the orders of the Inspector General and to the rules contained in this Act or made by the Local Government, the Superintendent shall have the management of the prison in all matters relating to discipline, labour, expenditure, punishment, and control. He shall correspond on all matters connected with the prison with and through the Inspector General. He shall submit to the Inspector General all bills of prison expenditure with proper vouchers for audit. He shall report to the Inspector General from time to time as they occur all escapes and re-captures, and all outbreaks of epidemic disease. He shall send to the Inspector General returns of all prisoners sentenced to transportation; and he shall every quarter inspect all property of the Government in his charge and make a report of the same to the Inspector General.

Gaoler.

Residence of Gaoler.

15. The Gaoler shall reside in the prison. He shall not without the Superintendent's sanction be concerned in any other employment.

To report subordinate officers.

16. In case of misconduct on the part of any subordinate officer, the Gaoler shall without delay report to the Superintendent the particulars of such misconduct.

17. The Gaoler shall, as far as practicable, visit the whole of the prison, and see every prisoner once at least in every twenty-four hours, and in default of such daily visits and inspections he shall state in his journal how far he has omitted them, and the cause thereof.

To inspect the prison daily.

He shall at least once during the week go through the prison at an uncertain hour of the night, which visit, with the hour and state of the prison at the time, he shall record in his journal.

18. The Gaoler shall without delay call the attention of the Medical Officer to any prisoner whose state of mind or body appears to require attention, and shall carry into effect the written directions of the Medical Officer respecting alterations of the discipline or treatment of any such prisoner.

To report to Medical Officer prisoners disordered in mind.

19. The Gaoler shall notify to the Medical Officer without delay the illness of any prisoner, and shall deliver to him daily a list of such prisoners as complain of illness, or are removed to the infirmary, or confined to their cells by illness, and he shall deliver to the Medical Officer lists of such prisoners as are confined in punishment-cells.

To notify to Medical Officer prisoners requiring his attention.

20. Upon the death of a prisoner the Gaoler shall give immediate notice thereof to the Superintendent and (where practicable) to the nearest relative of the deceased.

To give notice of death of prisoners.

21. The Gaoler shall keep the following records and accounts:—

To keep enumerated books and accounts.

First.—A journal in which he shall record all such matters as he is directed to record therein by this Act, and all other occurrences of importance within the prison.

Second.—A record of the names of all prisoners committed to his charge in such form as may be directed by the Local Government.

Third.—A register of warrants.

Fourth.—A punishment-book for the entry of the punishments inflicted for prison-offences.

Fifth.—A visitors' book for the entry of any observations made by visitors to the prison.

Sixth.—A record of articles taken from prisoners.

Seventh.—A record of the employment of prisoners sentenced to hard labour, and the manner in which they have been so employed.

Eighth.—A list of books and documents committed to his care.

Ninth.—An inventory of all the furniture and moveable property belonging to the prison.

Tenth.—An account of all prison-receipts and disbursements.

22. The Gaoler shall be responsible for the safe custody of the journals, books, commitments, and all other documents confided to his care.

Responsible for safe custody of documents.

23. The Gaoler shall not be absent from the prison for a night without permission in writing from the Superintendent, and his leave of absence shall be entered in his journal; but if absent without leave for a night from unavoidable necessity, he shall state the fact and the cause of it in his journal.

Not to be absent without leave.

24. Where a Deputy Gaoler is appointed to a prison he shall be legally competent to perform any duty required by law to be performed by the Gaoler, and when the Gaoler is absent from the prison the Deputy Gaoler shall perform all his duties. Where there is no Deputy Gaoler, or in the case of his services not being available by reason of sickness or other unavoidable cause, the Superintendent shall, when the Gaoler is absent from the prison on leave, appoint an officer of the prison to act as his substitute, and during such absence the substitute so appointed shall have all the powers and perform all the duties of the Gaoler.

Power of Deputy Gaoler.

Medical Officer.

25. The Medical Officer shall visit the prison at least thrice in every week, and oftener if necessary, and shall see every prisoner in the course of the week. He shall daily visit the prisoners, if any, confined in punishment-cells, and he shall visit daily and oftener if necessary, such of the prisoners as are sick, and, when necessary, shall direct any prisoner to be removed to the infirmary.

When to visit prison.

26. The Medical Officer shall enter, in the English language, day by day, in his journal to be kept in the prison, an account of the state of every sick prisoner, the name of his disease, a description of the medicines and diet, and any other treatment which he may order for such prisoner.

To make daily record respecting sick prisoners.

27. The Medical Officer shall, once at least in every month, inspect every part of the prison, and enter in his journal the result of each inspection, recording therein any observations he may think fit to make on any want of cleanliness, drainage, warmth, or ventilation; any bad quality of the provisions, any insufficiency of clothing or bedding, any deficiency in the quantity or defect in the quality of the water or any other cause which may affect the health of the prisoners.

Occasionally to inspect every part of prison, &c.

28. Whenever the Medical Officer has reason to believe that the mind of a prisoner is or is likely to be injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent together with such directions as the Medical Officer may think proper.

To report special cases.

29. On the death of any prisoner, the Medical Officer shall forthwith enter in his journal the following particulars, namely, at what time the deceased was taken ill, when the illness was first communicated to the Medical Officer, the nature of the disease, when the prisoner died, and (in cases where a *post mortem* examination is made) an account of the appearances after death, together with any special remarks that appear to him to be required.

To make entries as to death of prisoner.

Gate-Porter.

30. The officer acting as Gate-Porter may examine all articles carried in or out of the prison, and may stop any person suspected of bringing in spirits or other prohibited articles into the prison, or of carrying out any property belonging to the prison, giving immediate notice thereof to the Gaoler.

Duties of Gate-Porter.

CHAPTER IV.—ADMISSION AND DISCHARGE OF PRISONERS.

31. Prisoners on admission shall be searched, and all weapons and prohibited articles shall be taken from them.

Prisoners to be searched on admission.

32. All money or other effects in respect whereof no order of a competent court shall have been made, and which shall be brought into the prison by any prisoner, or sent to the prison for his use, shall be placed in the custody of the Gaoler, who shall keep an inventory of them in a separate book.

Effects retained by Gaoler.

33. The name, age, height, weight, features, particular marks, and general appearance of a criminal prisoner shall upon his admission be noted in a record of the names of prisoners to be kept by the Gaoler.

Register of certain particulars relating to prisoner.

Every criminal prisoner shall also, as soon as possible, be examined by the Medical Officer, who shall enter in a book to be kept by the Gaoler a record of the state of health of the prisoner, and any observations which the Medical Officer may deem it expedient to add.

34. No prisoner shall be discharged except in the presence of the Superintendent or, in case of his absence, of the Deputy Commissioner.

Discharge of prisoners.

35. All prisoners, previously to being removed to any other prison, or being discharged from prison, shall be examined by the Medical Officer. No prisoner shall be removed to any other prison unless the Medical Officer certifies, by an entry in the record of names, that the prisoner is free from any illness rendering him unfit for removal. No prisoner shall be discharged from prison if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe, unless such prisoner require to be discharged.

Medical examination before removal and discharge of prisoners.

CHAPTER V.—DISCIPLINE OF PRISONERS.

36. The requisitions of this Act with respect to the separation of prisoners are as follows:—

Requisitions of Act as to separation of prisoners.

(1).—In every prison punishment-cells shall, if practicable, be provided or appropriated for the confinement of prisoners for prison-offences.

(2).—In a prison containing female prisoners as well as males, the women shall be imprisoned in separate buildings or separate parts of the same building, in such manner as to prevent their seeing, conversing or holding any intercourse with the men.

(3).—In a prison where debtors are confined, means shall be provided for separating them altogether from the criminal prisoners.

(4).—In a prison where children under twelve years of age are confined, means shall be provided for separating them altogether from the other prisoners.

(5).—Criminal prisoners before trial shall be kept apart from convicted prisoners.

37. No cell shall be used for the separate confinement of a prisoner unless it is of such a size and warmed, ventilated, and fitted up in such a manner as the Local Government shall consider to be requisite for health, and unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison.

Cells to be certified for confinement of prisoners.

38. No punishment-cell shall be used unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and can be used as a punishment-cell without detriment to the prisoner's health.

Punishment-cells.

39. Hard labour for the purposes of this Act shall be of two classes, consisting—

Hard labour of two classes.

First.—Of shot-drill, crank, capstan, stone-breaking, or such other like description of hard bodily labour as may be appointed by the Local Government, which work is hereinafter referred to as hard labour of the first class.

Secondly.—Of such other description of bodily labour as may be appointed by the Local Government, which work is hereinafter referred to as hard labour of the second class.

In every prison where prisoners sentenced to hard labour are confined, adequate means (having regard to the average number of such prisoners confined in that prison during the preceding five years) shall be provided for enforcing hard labour in accordance with the regulations of this Act, and no prison shall be deemed to be in conformity with the requisitions of this Act with respect to the enforcement of hard labour unless such means as aforesaid have been provided therein, and prisoners sentenced to hard labour have been employed thereat in manner provided by this Act.

40. Every prisoner under warrant or order for execution shall, immediately on his arrival in the prison after sentence, be searched by or by the orders of the Gaoler, and all articles shall be taken from him which the Gaoler deems dangerous or inexpedient to leave in his possession. He shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the constant charge of an officer.

Prisoners under sentence of death.

No person, not being the Deputy Commissioner, or an officer of the prison, shall have access to such prisoner except in pursuance of an order from the Deputy Commissioner.

CHAPTER VI.—FOOD AND DRESS OF PRISONERS.

41. A debtor shall be permitted to maintain himself, and to purchase or receive at proper hours, food, clothing, bedding, or other necessaries, but subject to examination, and to such rules as may be approved by the Inspector General.

Debtor may maintain himself.

42. No part of any food, clothing, bedding, or other necessaries belonging to any debtor shall be sold to any other prisoner; and any debtor transgressing this regulation shall lose the said privilege of purchasing or receiving food for such a time as the Superintendent may deem proper.

Debtor not to sell provisions.

43. A debtor, if unable to provide himself with sufficient food, clothing, bedding, or other necessaries, shall receive the allowance of food, clothing, bedding, or other necessaries allotted to debtors unable to maintain themselves by the prison-rules for the time being in force.

Prison-allowance to debtors.

44. A criminal prisoner before trial may procure for himself, or receive at proper hours, food, and clothing, bedding, or other necessaries, subject to examination, and to such rules as may be approved by the Superintendent; and any articles so procured may be paid for out of the monies belonging to such prisoner in the hands of the Gaoler.

Prisoner before trial may maintain himself.

No part of such food, bedding, clothing, or other necessaries shall be sold or transferred to any other prisoner; and any prisoner transgressing this regulation shall be prohibited from procuring any food or other necessaries for such time as the Superintendent may deem proper.

If a criminal prisoner before trial does not provide himself with food, he shall receive the allowance of food allotted to criminal prisoners before trial by the rules of the prison.

45. Every convicted criminal prisoner shall be allowed a sufficient quantity of food according to the scale established by the rules of the prison.

Prison-allowance of food for convicted prisoner.

Prisoners under the care of the Medical Officer shall be allowed such diet as he may direct.

Sick diet.

Care shall be taken that all provisions supplied to the prisoners be of proper quality and weight.

Quality and weight of provisions.

46. A convicted criminal prisoner shall be provided with a complete prison-dress, and shall be required to wear it.

Dress of convicted criminal.

47. On the discharge of a prisoner his own clothes shall be returned to *him* unless it has been found necessary to destroy them, in which case he shall be provided with clothing.

Return of clothing.

48. If necessary, the clothes of a prisoner shall be purified before he is allowed to wear them in the prison or to take them on his discharge.

Purification of clothing.

49. Prisoners shall be required to keep themselves clean and decent in their persons, and to conform to such rules as may be laid down for that purpose.

Personal cleanliness of prisoners.

CHAPTER VII.—EMPLOYMENT OF PRISONERS.

50. Debtors may be permitted to work and follow their respective trades and professions, provided their employment does not interfere with the regulations of the prison, and such debtors as find their own implements, and are not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings, but the earnings of such as are furnished with implements, or are maintained at the expense of the prison, shall be subject to a deduction, to be determined by the Superintendent for the use of implements and the cost of maintenance.

Work and earnings of debtors.

51. Criminal prisoners before trial shall have the option of employment, but shall not be compelled to perform any hard labour.

Employment of prisoners before trial.

52. On the acquittal of any criminal prisoner, such an allowance on account of his earnings, if any, shall be paid to such prisoner on his discharge as the Superintendent may think reasonable.

Allowance out of earnings to acquitted prisoners.

53. Every male prisoner of sixteen years of age and upwards, sentenced to hard labour, shall, during the whole of his term of imprisonment where it does not exceed three months, and during the first three months of such term where it exceeds three months, be kept at hard labour of the first class for such number of hours not more than ten or less than six (exclusive of the time required for meals) as may be prescribed by the Superintendent and during the remainder of his term shall be kept in like manner at hard labour of the first class, except where, during such remainder of his term, the Superintendent may substitute hard labour of the second class for hard labour of the first class;

Hours of hard labour.

Provided that if the Medical Officer certifies any such prisoner to be unfit to be kept at hard labour of the first class during the whole or any part of the prescribed hours, such prisoner shall, during such whole or part of the prescribed hours, be kept at hard labour of the second class, unless the Medical Officer certifies that such prisoner is unfit to be kept at either class of hard labour during the whole or any part of such hours;

Povided, also, that prisoners sentenced to hard labour for periods not exceeding fourteen days may, in pursuance of rules to be made by the Local Government, be kept in separate confinement at hard labour of the second class during the whole period of their sentences.

54. Every male prisoner under the age of sixteen years sentenced to hard labour, and every female prisoner sentenced to hard labour, shall be kept at hard labour of the second class during such number of hours, not more than ten or less than six (exclusive of the time required for meals) in each day, as may be prescribed by the Superintendent unless the Medical Officer certifies that he or she is unfit for hard labour.

Regulations as to hard labour of the second class.

55. The Medical Officer shall from time to time examine the prisoners sentenced to hard labour during the time of their being so employed, and shall enter in his journal the name of any prisoner whose health he thinks to be endangered by a continuance at hard labour of either class, and thereupon such prisoner shall not again be employed at such class of hard labour until the Medical Officer certifies that he is fit for such employment.

Examination by Medical Officer of prisoners at hard labour.

56. Provision shall be made by the Superintendent for the employment (if they shall so desire) of all criminal prisoners sentenced to simple imprisonment. The Superintendent shall make rules as to the amount and nature of such employment, but no prisoner not sentenced to hard labour shall be punished for neglect of work, excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such prisoners.

Employment of prisoners not sentenced to hard labour.

57. No gaming shall be permitted in any prison, and the Gaoler shall seize and destroy all dice, cards, or other instruments of gaming.

Prohibition of gaming.

CHAPTER VIII.—HEALTH AND INSTRUCTION OF PRISONERS.

58. Debtors shall have the means of daily taking exercise in the open air.

Exercise of debtors.

59. Criminal prisoners, if employed at work in their own cells, shall be allowed such exercise in the open air as the Medical Officer may deem necessary for their health.

Exercise of prisoners in separate confinement.

Prisoners under sentence of death shall be allowed such exercise as the Gaoler with the approval of the Superintendent may direct.

60. The names of the prisoners who desire to see the Medical Officer, or appear out of health, shall be reported by the officer attending them to the Gaoler, and by him without delay to the Medical Officer.

When prisoners to be reported to Medical Officer.

61. All directions given by the Medical Officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions in relation to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in his journal, which shall have a separate column in which entries are to be made by the Gaoler, stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Gaoler may think fit to make, and the date of the entry.

Entry of directions by Medical Officer.

62. In every prison an infirmary or proper place for the reception of sick prisoners shall be provided.

Infirmaries.

63. Whenever the Medical Officer certifies that a prisoner is suffering from disease likely to cause death, the Superintendent may, if he thinks fit, order such prisoner to be released.

Release of sick prisoners.

64. Provision shall be made in every prison for the instruction of prisoners in reading, writing, and arithmetic during such hours and to such extent as to the Superintendent may seem expedient: provided that such hours shall not be deducted from the hours prescribed for hard labour.

Instruction of prisoners.

CHAPTER IX.—VISITS TO AND COMMUNICATION WITH PRISONERS.

65. Due provision shall be made for the admission, at proper times and under proper restrictions, of persons with whom prisoners before trial may desire to communicate.

Communication with prisoners.

Such rules also shall be made by the Local Government for the admission of the friends of convicted prisoners as it may deem expedient.

The Local Government shall also impose such restrictions upon the communication and correspondence of prisoners with their friends as it judges necessary for the maintenance of good order and discipline in such prison.

66. The Gaoler may demand the name and address of any visitor to a prisoner; and when he has any ground for suspicion may search visitors or cause them to be searched, such search not to be in the presence of any prisoner or of another visitor. In case of any visitor refusing to be searched, the Gaoler may deny him or her admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in his journal.

Power of Gaoler as to visitors.

CHAPTER X.—OFFENCES IN RELATION TO PRISONS.

67. Every person who, contrary to the regulations of the prison, brings, throws or attempts by any means whatever to introduce into any prison or place provided under section five for the temporary shelter and safe custody of prisoners any spirituous or fermented liquor or tobacco

Punishment for carrying spirituous liquors or tobacco into prison.

or intoxicating drug, and every officer of a prison who suffers any spirituous or fermented liquor or tobacco or intoxicating drug to be sold or used in such prison or place, contrary to the prison-regulations, shall, on conviction before a Magistrate, be sentenced to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees or both, in the discretion of the Court.

Punishment for carrying letters into and out of prisons.

68. Every person who, contrary to the regulations of a prison, conveys or attempts to convey any letter or other document, or any article whatever not allowed by such regulations, into or out of any prison, or place provided as aforesaid shall, on conviction before a Magistrate, be liable to fine not exceeding one hundred rupees; and, if an officer of the prison, shall forfeit his office and all arrears of salary due to him; but this section shall not apply in cases where the offender is liable to a more severe punishment under any other provision of this Act.

Abetment of offences under sections 67, 68.

69. Whoever abets within the meaning of the Indian Penal Code any offence made punishable by section sixty-seven or section sixty-eight, shall be punished with the punishment hereinbefore provided for such offence.

Notice of penalties to be placed outside of prison.

70. The Superintendent shall cause to be affixed in a conspicuous place outside the prison or place provided as aforesaid a notice setting forth the penalties that will be incurred by persons committing any offence in contravention of the three preceding sections.

Additional punishment of prison-officers.

71. Every officer of a prison convicted under section sixty-seven, sixty-eight or sixty-nine shall, in addition to any other punishment, forfeit his office and all arrears of salary due to him.

CHAPTER XI.—PRISON OFFENCES.

Superintendent to punish for prison-offences.

72. The Superintendent shall have power to hear complaints respecting any of the offences following; that is to say,

(1). Wilful disobedience to the regulations of the prison by any prisoner;

(2). Assaults by one prisoner on another;

(3). Indecent behaviour by any prisoner;

(4). Wilfully disabling himself from labour;

(5). Insulting or threatening language by any prisoner to any officer or prisoner;

(6). Idleness or negligence at work by any convicted criminal prisoner;

(7). Wilful mismanagement of work by any convicted criminal prisoner.

All the above acts are declared to be offences against prison-discipline; and it shall be lawful for the Superintendent to examine any person touching such offences, and to determine thereupon, and to punish such offences by ordering the offender for any time not exceeding three days to close confinement, to be there kept upon a diet reduced to such extent as the Local Government shall prescribe. The Gaoler shall enter in a separate book called the punishment-book, a statement of the nature of any offence that has been punished under this section, with the addition of the name of the offender, the date of the offence, and the amount of punishment inflicted.

Punishment of prisoners by Magistrate.

73. If any criminal prisoner is guilty of repeated offences against prison discipline, or is guilty of any offence against prison discipline which the Superintendent is not by this Act empowered to punish, the Superintendent shall report the same to any Magistrate having jurisdiction in the place in which the prison is situate, and such Magistrate shall have power to inquire upon oath and to determine concerning any matter so reported to him, and to order the offender to be punished by confinement in a punishment-cell or in irons for any term not exceeding one month in the case of a first offence, and for a term not exceeding six months in the case of a second offence, or by corporal punishment not exceeding thirty stripes of a ratan.

Provided that corporal punishment or confinement in irons shall not be inflicted on any female prisoner or any person imprisoned in a Civil Jail.

Confinement in irons by Gaoler of his own authority.

74. No prisoner shall be put in irons or under mechanical restraint by the Gaoler of his own authority, except in case of urgent necessity; and the particulars of every such case shall be forthwith entered in the Gaoler's journal, and notice forthwith given thereof to the Superintendent; and no prisoner shall be kept in irons or under mechanical restraint for more than twenty-four hours, except in case of urgent necessity, without an order in writing from the Superintendent specifying the cause thereof, and the time during which the prisoner is to be kept in irons or under mechanical restraint, which order shall be preserved by the Gaoler as his warrant.

Confinement in irons of prisoners sentenced to rigorous imprisonment.

75. Whenever the Superintendent considers it necessary for the safe custody of any prisoner sentenced to rigorous imprisonment, that such prisoner should be confined in irons, it shall be lawful for the Superintendent so to confine the said prisoner.

Confinement in irons of prisoners attempting to escape.

76. If any prisoner whether he has been sentenced to rigorous or only to simple imprisonment is convicted under section 224 of the Indian Penal Code of having attempted to escape from such imprisonment, it shall be lawful for the Superintendent in carrying into execution the remainder of such imprisonment, or any portion of the imprisonment to which the prisoner may be sentenced for such attempt, to confine the said prisoner in irons for a period not exceeding one year in the case of a first offence, and for the whole term of imprisonment to which he shall have been sentenced in the case of a second offence.

Corporal punishment.

77. All corporal punishment within the prison shall be inflicted in the presence of the Superintendent, the Gaoler and a Medical Officer. The Medical Officer shall give such orders for preventing injury to health as he may deem necessary, and it shall be the duty of the Gaoler to carry them into effect, and the Gaoler shall enter in the punishment-book the hour at which the punishment is inflicted, the number of stripes, and any orders which the Medical Officer may have given on the occasion.

Penalty on officers violating rules.

78. Every officer of a prison wilfully violating any rule contained in this Act or made under section eighty-one, shall be liable, on conviction before a Magistrate, to fine not exceeding fifty rupees.

Suspension or dismissal of subordinate officers.

79. The Superintendent may suspend, for such time as he shall think, or dismiss any subordinate officer of a prison guilty of misconduct.

Saving of powers to commit prisoners for trial.

80. Nothing in this Act shall be held to prevent the Superintendent from committing any prisoner or person employed in any prison, or in keeping prisoners in custody for trial before a Magistrate or Sessions Court, whenever such prisoner or person shall have been guilty of an offence for which the punishment authorized to be inflicted under this Act may appear inadequate.

CHAPTER XII.—MISCELLANEOUS.

Power to make supplementary prison-rules.

81. The Local Government may, with the previous sanction of the Governor General of India in Council, make such further rules consistent with this Act, as may be necessary to provide for the government of prisons and for the guidance of all officers appointed hereunder.

Copies of such rules so far as they affect the government of prisons, shall be exhibited in some place to which all persons employed within a prison have access.

Power to make rules for control of convicts employed on roads.

82. The Local Government may, with the previous sanction of the Governor General of India in Council, from time to time make rules for the control of convicts employed on roads and other public works and of the guards in charge of such convicts, and may, with the sanction aforesaid, provide such penalties as it shall think fit in case of breach of any of such rules.

Exercise of powers of Superintendent and Gaoler.

83. All or any of the powers and duties conferred and imposed by this Act on a Superintendent or a Gaoler may be exercised and performed by such other officer as the Local Government shall from time to time appoint in this behalf.

SCHEDULE.

[*See Section* 2.]

Number and Year.	TITLE.	Extent of repeal.
Bengal Regulation XI of 1806.	For facilitating the progress of detachments of troops through the Company's Territories; for affording any requisite assistance to persons travelling through those territories; and for extending the rules contained in sections LXVIII and LXXII, Regulation XXII, 1795, in clauses fifth and sixth, section XIV, Regulation VIII, 1805, and in section XXXI of that Regulation, to the whole of the Company's Provinces subject to the immediate Government of the Presidency of Fort William; for the guidance of the civil officers in applying for guards from the regular Battalions; and for modifying the rule contained in clause first, section XII, Regulation I, 1804.	Section 10.
Bengal Regulation XIV of 1816.	To provide more effectually for the management of the public jails; and to enable the Magistrates to maintain good order and discipline in those jails; as well as among the prisoners employed on the public roads, or other public works:—Also to place the Jail at Allypore, in the vicinity of Calcutta, under the inspection and control of the Court of Nizamut Adawlut; and to provide for the transportation of convicts to the Island of Mauritius or its immediate dependencies.	Sections 4, 5, 6, 7, 8 and 10.
Bengal Regulation XVII of 1816.	For the occasional revision of the regular Police and Jail establishments; for the due support and regulation of the Establishments of Chokeedars; for amending the rules in force for the appointment and removal of police officers; for modifying the constitution of the offices of the Superintendents of Police; and for reducing the miscellaneous business of Courts of Circuit, and Court of Nizamut Adawlut.	Sections 14 and 18.
Bengal Regulation III of 1826.	For extending to Dewanny prisoners some of the provisions in Regulation XIV, 1816, and for modifying the rule contained in section III, Regulation IV, 1816.	The whole.
Bengal Regulation IV of 1833.	To provide more effectually for the management of convicts sentenced to labour and employed on the roads or Public Works under Superintendents or their Assistants appointed by Government, and to enable those officers to maintain good order and discipline among the convicts and their guards.	The whole.
Bengal Regulation II of 1834.	For abolishing corporal punishment; for substituting a fine in certain cases for a sentence of labour; and for the gradual introduction of a better system of Prison Discipline.	Section 7.
Act No. XVIII of 1844.	For the better control and management of gaols within the Bengal Presidency.	The whole.

STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to provide rules for the regulation of prison-discipline in the Panjáb, Oudh, the Central Provinces and British Burma.

The Bengal Regulation II of 1834, section 7, authorises the Governor General in Council to introduce a system of prison-discipline, but there is no power to prescribe penalties for its infraction, and the Penal Code does not provide for such offences as the abetment, by prison-officers, of violations of prison-rules. Moreover, the power in question clearly does not apply to the Panjáb: there is some doubt as to its application to Oudh and the Central Provinces; and, as regards Burma, it seems to extend only to the Arakan Division.

The present Bill, accordingly, proposes to declare the law relating to prisons in the Provinces above mentioned, and to provide, for the regulation of such prisons, a code of rules which will be generally and permanently applicable. Such supplementary rules as the peculiar circumstances of the different Provinces may from time to time require, will be made by the Local Government under section 81.

Most of the provisions of the Bill are modelled on the English Prisons Act (28 & 29 Vic., cap. 126), and a few of its clauses have been suggested by the Bengal Acts II of 1864 and V of 1865.

The Bill is divided into twelve chapters. The first contains the usual preliminary provisions, and repeals, so far as the Provinces affected are concerned, the enactments in which the present law on the subject might be supposed to be contained.

Chapter II directs the Local Government to provide adequate prison-accommodation, both under ordinary circumstances and in case of the outbreak of an epidemic. It also provides for the appointment of an Inspector General of Prisons and of the necessary prison-officers.

Chapter III describes the duties of these officers; first, generally, secondly, as regards the Superintendent, the Gaoler, the Medical Officer and the Gate-Porter.

Chapter IV contains provisions as to the procedure on the admission and the discharge of prisoners. Section 35 provides that no prisoner suffering under any serious illness shall be discharged except at his own desire.

Chapter V gives the rules as to discipline of prisoners. It provides for their due separation, and deals with the subjects of punishment-cells, the classes of hard labour, and the treatment of prisoners under sentence of death.

Chapter VI prescribes rules as to the food and dress of civil and criminal prisoners.

Chapter VII contains provisions as to the employment of prisoners. Criminal prisoners before trial are to have the option of employment: in case of acquittal an allowance out of their earnings will be paid to them; and section 56 directs the Superintendent to provide for the employment (if they shall so desire) of criminal prisoners sentenced to simple imprisonment.

Chapter VIII lays down the law as to the health and instruction of prisoners. Section 63 (suggested by Bengal Act II of 1864, section 11) empowers the Superintendent to release any prisoner when the Medical Officer certifies that he is suffering from a disease likely to cause death.

Chapter IX contains rules as to visits to, and communication with, prisoners.

Chapter X deals with certain offences in relation to prisons which are not provided for by the Penal Code. These are, the introduction or attempt to introduce spirits, tobacco or intoxicating drugs and the carrying of letters into or out of prisons. Provision is made for punishing the abetment of such offences. This is needed, as the provisions as to abetment contained in the Penal Code apply only to offences under the Code itself. Prison-officers offending under this chapter, will be liable to the additional punishment of forfeiture of office and arrears of salary.

Chapter XI provides penalties for the ordinary offences of prisoners, and declares (section 78) that every prison-officer violating any prison-rule, shall be liable to fine not exceeding 50 rupees.

Chapter XII contains sundry miscellaneous provisions. It empowers the Local Government to make the supplementary prison-rules above referred to and to prescribe such further rules as may be necessary for the guidance of the Inspector General and other officers appointed under the proposed Act. It empowers the Local Government, with the sanction of the Governor General in Council, to make rules for the control of convicts employed on roads or other public works; and, lastly, it declares that any of the powers or duties of a Superintendent or a Gaoler, under the proposed Act, may be exercised or performed by such other officer as the Local Government shall appoint.

To legislate successfully on such a subject requires an amount of local knowledge to which the framer of the present measure cannot of course pretend. He trusts, however, that the defects of the Bill will be removed by the criticism which it will receive from the various Local Governments to which it applies.

J. F. STEPHEN.

CALCUTTA:
The 29th January 1870.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MARCH 12, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 11th March 1870, and was referred to a Select Committee with instructions to make their report thereon in a fortnight:—

No. 7 OF 1870.

THE INDIAN WEIGHTS AND MEASURES BILL, 1870.

CONTENTS.

SECTION.

I.—Preliminary.

1. Short title and extent.

II.—Standards.

2. Standard of Weight.
3. Standard of Length.
4. Units of Weight and Measurement.
5. Special Weights and Measures to be authorized.
6. Sets of standards to be provided.
7. Local standards to be provided.
8. Districts how defined. Sub-districts how defined.

III.—Use of new Weights and Measures.

9. Use of new Weights and Measures in Government offices.
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17. Warden to verify and correct Weights, Measures and Balances.
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V.—Miscellaneous.

23. Power to make rules. Publication of rules.
24. Recovery of fees.
25. Tables of equivalents.
26. Convictions how limited.

A Bill to regulate the Weights and Measures of British India.

WHEREAS it is expedient to provide for the ultimate adoption of an uniform system of Weights and Measures in all parts of British India; It is hereby enacted as follows:—

Preamble.

I.—Preliminary.

1. This Act may be called "The Indian Weights and Measures Act, 1870," and shall extend to all parts of British India.

Short title and extent.

II.—Standards.

2. The primary standard of Weight shall be a Ser equal to a Weight of 2·20462125 British Pounds Avoirdupois which is equal to the kilogram known in France as the Kilogramme des Archives.

Standard of Weight.

3. The primary standard of length shall be a metre equal to a length of 39·37079 British Inches which is equal to the metre known in France as the Mètre des Archives.

Standard of length.

4. The Units of Weight and Measurement shall be;

Units of Weight and Measurement.

for Weights, the said Ser:
for Measures of Capacity, a measure containing one such Ser of water at its maximum density, and being equal to 0·2202443 of a British Gallon,
for Measures of Length, the said metre,
for Measures of Area, the square metre,
for Measures of Solidity, the cubic metre.

5. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, declare the magnitude and denominations of the Weights and Measures, other than the said units, to be authorized under this Act, provided that every such Weight or Measure shall be an integral multiple or integral sub-multiple of one of the units aforesaid, and may, in like manner, revoke such notification.

Special Weights and Measures to be authorized.

Unless it shall otherwise be ordered in any such notification, the sub-divisions of all such Weights and Measures shall be expressed in decimal parts.

6. There shall be provided, in such manner and for such districts as the Governor General in Council shall direct, suitable primary standards and sets of the said authorized Weights and Measures which shall, for the purposes of this Act, be deemed the standards for such districts.

Sets of standards to be provided.

7. There shall be provided, in such manner and for such sub-districts as the Local Government shall direct, copies of such of the said authorized Weights and Measures as shall be necessary to serve as local standards in such sub-districts. Such local standards shall be deemed to be correct until declared to be otherwise by the proper authority.

Local standards to be provided.

8. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, define the limits of the aforesaid districts.

Districts how defined.

The Local Government may, from time to time, by notification in the official Gazette, define the limits of the aforesaid sub-districts.

Sub-districts how defined.

III.—Use of new Weights and Measures.

9. Whenever the Governor General in Council considers that suitable standard Weights and Measures have been made available for use by any Government or Municipal office or department or any Railway Company, the Governor General in Council may, by notification in the official Gazette, direct that, after a date to be named therein, all or any of the Weights and Measures authorized as aforesaid shall be used in all dealings and contracts by such office, department or company.

Use of new Weights and Measures in Government offices.

10. The Governor General in Council, or the Local Government, with the previous assent of the Governor General in Council, may, by notification in the official Gazette, direct that, after a date to be named therein, all or any of the Weights authorized as aforesaid shall be used in the dealings and contracts of the persons exercising any specified occupation or trade in any district or sub-district.

General use of new Weights.

The said Governor General in Council or Local Government, as the case may be, may, in like manner, from time to time, alter or revoke the orders contained in any such notification.

Provided that no such notification shall issue, until suitable standard Weights have been provided for such district, or sub-district, nor until the Governor General in Council or the Local Government, as the case may be, shall have been satisfied after a public local enquiry held in such district, or sub-district, that the obligatory introduction of the said Weights is expedient.

11. The Governor General in Council or the Local Government, with the previous assent of the Governor General in Council, may, by notification in the official Gazette, declare the date after which all or any of the provisions of sections twelve, thirteen, fourteen and fifteen shall come into operation in respect to any district or sub-district; and otherwise than as aforesaid the said sections shall be of no effect.

Operation of penalties.

12. Whoever sells any Weight, Weighing Machine or Measure, purporting to indicate any Weight or Measure authorized under this Act, or any Balance, which shall not respectively have been duly verified, shall, to the extent declared under section eleven, be liable to a fine not exceeding five rupees for every such Weight, Weighing Machine, Measure or Balance so sold.

Penalty for sale of articles not verified.

13. Whoever uses or has in his possession for purposes of trade or business, any Weight or Weighing Machine purporting to indicate any Weight authorized under this Act, or any Balance, which, being correct and in conformity with the requirements of this Act, shall not respectively have been duly verified, shall, to the extent declared under section eleven, be liable to a fine not exceeding five rupees for every such thing so used, or so had in possession.

Penalty for use of authorized Weights not verified, but correct.

14. Whoever uses or has in his possession for purposes of trade or business,

Penalty for use of Weights not authorised and not correct.

any Weight other than a Weight directed to be used under section ten, or any Machine for the purpose of indicating any Weight other than as aforesaid, or

any Weight, or Weighing Machine, purporting to indicate any Weight authorized under this Act, or any Balance, which, not being respectively duly verified, is not correct, or not in conformity with the requirements of this Act,

shall, to the extent declared under section eleven, be liable to a fine not exceeding ten rupees for every such offence.

15. All Government or municipal officers, and all persons engaged in occupations or trades shall, so far as they shall be required by the rules under section twenty-three, submit for verification by a Warden the Weights, Weighing Machines and Measures, used by them under the provision of section nine or ten, or the Balances used by them, at such times not oftener than once in two years, and pay for such verification the proper fee, as the said rules shall prescribe, failing which every such person shall, to the extent declared under section eleven, be liable to a fine not exceeding fifty rupees for every such offence.

Periodical verification of Weights and Measures.

IV.—Wardens.

16. The Governor General in Council or the Local Government, as the case may require, shall appoint Wardens for the custody of the said standards and sets of authorized Weights and Measures, and local standards, and for the inspection and verification of Weights, Weighing Machines, Measures and Balances.

Appointment of Wardens.

The Governor General in Council or the Local Government, as the case may be, may at any time suspend or remove any such Warden and appoint another person in his stead.

17. The Warden shall verify, and shall, if so required, correct all Weights, Weighing Machines, and Measures, purporting to indicate Weights or Measures authorized under this Act, and Balances brought to him for verification or correction, which shall appear to him fit for verification and correction. When they are correct and in conformity with the requirements of this Act, he shall certify the same with the proper mark.

Warden to verify and correct Weights, Measures and Balances.

18. The Warden may deface or render incapable of use, or refuse to verify, correct, or mark anything brought to him for verification or correction under section seventeen which shall appear to him unfit for verification or correction.

May refuse to verify or correct things unfit.

19. Weights, Weighing Machines and Measures, purporting to indicate any Weight or Measure authorized under this Act, and Balances imported into British India but not verified in conformity with the rules prescribed under section twenty-three, may be detained by the officers of Customs and taken to the Warden for verification at the cost of the importer thereof.

Importation of Weights and Measures into British India.

20. No prosecutions under this Act shall be instituted excepting by a Warden.

Prosecutions.

21. A Magistrate convicting any person under section twelve, thirteen, fourteen or fifteen of this Act, or under Chapter XIII of the Indian Penal Code (*of offences relating to weighing and measuring*) may order the thing, in respect to which the conviction took place, to be brought before a Warden, to be dealt with under the provisions of section seventeen. Provided that, if the Magistrate shall consider such thing to be unfit for verification or correction, he may cause it to be defaced or rendered incapable of use.

Disposal of things in respect to which convictions take place.

22. Any officer in charge of a police-station may, on the application of a Warden, exercise the powers described in section 129 of the Code of Criminal Procedure for the purpose of inspecting, searching for, and seizing Weights, Weighing Machines, Measures and Balances kept for use under the provisions of section nine or ten, in the dealings or contracts of any Government or municipal office or department, or any person exercising an occupation or trade, specified as being subject to inspection by the rules aforesaid, which shall not be duly verified, correct or in conformity with the requirements of this Act as though such things had been false Weights.

Search for Weights not verified or not correct.

V.—Miscellaneous.

23. The Governor General in Council may from time to time make rules consistent with this Act for regulating the following matters:—

Power to make rules.

(*a*). The appointment of Wardens;

(*b*). The guidance of Wardens in all matters connected with the performance of their duties;

(*c*). The provision, custody and use of the standards;

(*d*). The method of verifying Local Standards, and Weights, Weighing Machines, and Measures authorized under this Act, and Balances, and of certifying such verification;

(*e*). The errors which may be tolerated in Weights, Weighing Machines, and Measures authorized under this Act and Balances;

(*f*). The shapes, proportions and dimensions to be given to Weights, Weighing Machines, and Measures authorized under this Act, and Balances, and the materials of which they may be made;

(*g*). The marking on Weights and Measures authorized under this Act, of their several denominations;

(*h*). The conditions under which Government and municipal offices or departments, and persons exercising occupations or trades, shall be subject to inspection and verification of the Weights, Weighing Machines, and Measures authorized under this Act, and Balances used or sold by them;

(*i*). The amount of the fees to be paid for verifying, correcting and certifying the verification of Weights, Weighing Machines, and Measures authorized under this Act, and Balances.

Such rules shall be published in the *Gazette of India*, and the Governor General in Council, or the Local Government with the previous assent of the Governor General in Council, may, by notification in the official Gazette, declare that, after a day to be named therein, all or any of the said rules shall come into operation in respect of any government or municipal office or department, or of any railway company, or of the persons exercising any specified occupation or trade, in any district or sub-district, and thereupon to the extent specified in such notification, the said rules or any of them shall have the force of law.

Publication of rules.

24. Fees payable under this Act shall be recoverable as though they were fines.

Recovery of fees.

25. The Local Government may, from time to time, prepare tables of the equivalents of Weights and Measures other than those authorized under this Act in terms of the Weights and Measures so authorized, and the equivalents so stated, after notification in the official Gazette, shall be deemed the true equivalents.

Tables of equivalents.

26. No person shall be convicted under section thirteen or fourteen unless the Warden shall have proved that Weights authorized under this Act were publicly offered for sale and procurable at a reasonable price in the district or sub-district in which the offence was committed, and at or immediately before the time when the offence was committed.

Convictions how limited.

STATEMENT OF OBJECTS AND REASONS.

The object of the present Bill is to give effect to the conclusions that have recently been adopted by the Governor General in Council, and concurred in by the Secretary of State, as to the steps to be taken for reforming the Weights and Measures of British India.

These conclusions are contained in the following extract of a despatch from the Government of India to the Secretary of State :—

Home Department, No. 163, dated 6th November 1868, paragraph 11.

"We therefore consider that the new unit of weight should be a ser equal to the kilogramme, or 2·205 lbs. avoirdupois, and

that a system of decimal multiples and sub-divisions of the unit of weight should be accepted as a fundamental part of the new scale to be recognized by law. We are, however, of opinion, for the reasons stated by Mr. Strachey in his Minute, that other multiples and sub-divisions should not be prohibited wherever their continued use appears to be demanded on considerations of present convenience and expediency, and

that while it is desirable that the new system of weights should be brought into general use as speedily as possible, it should not be forced on any class of the community until such class is to some extent prepared to accept it. The best preparation for the general adoption of the new weights will undoubtedly be their introduction and authoritative use in the public departments of the Government, which are so widely scattered over the whole of the country.

"We therefore propose

that the new unit of weight, with a system of decimal multiples and sub-divisions, should be authoritatively adopted in all departments of the Government, by all municipal bodies, and on the railways, as soon as practical convenience will admit."

In an earlier part of the same despatch, the following remarks were made as to the reasons that led the Government of India to the conclusion that immediate measures of reform were needed :—

"The perusal of the voluminous papers which are now before us, has satisfied us that an immediate reform of Indian weights and measures is urgently required. On this point there is no difference of opinion among all the authorities that have been consulted.

"The existing diversity of weights and measures in this country is a most serious evil, and reform is needed, as observed by our hon'ble colleague, His Excellency the Commander-in-Chief, not only to facilitate and simplify commercial operations, but also as an essential preliminary towards the suppression of the fraudulent practices which are now so common among retail dealers."

The whole of the documents, on the consideration of which the Government of India adopted these views, were published in the *Gazette of India* on the 18th February 1869, and in that collection of papers will be found at length the arguments which led the Governor General in Council to the conclusion that it was not expedient to introduce the weights of Great Britain in India, and that the unit of the metrical system was more suitable, and should be preferred.

It is apparent that the introduction of uniform weights and measures into a country so large as British India, and having a population so little educated, must be a task of much difficulty, and must in practice be spread over a considerable period of time. Every step in the change must be carefully watched, and great freedom of action must be permitted to the Government to prevent serious inconveniences.

The Bill proposes to declare what shall be the new standards and units of weight and length that are eventually to be adopted. The executive Government is to be empowered to frame scales of weights and measures based on these new standards and units, which are to be regarded as the authorized weights and measures of India.

But although the new authorized weights and measures will thus be defined, their use will only be made obligatory by specific orders of the executive Government, and then only under certain limitations.

The use of the new weights and measures may be made obligatory on Government departments, and municipal offices, and railway companies, when the Government is satisfied that proper standards are made available for the use of these departments, offices and companies. Of course it will also be an essential preliminary that the new weights and measures shall be provided for use before any of them are introduced.

For the community generally, no power is taken to make obligatory the use of the new measures, but only of the new weights. Further,

the general obligatory use of the new weights in any locality can only be required when the Government has been satisfied, after a public local enquiry, that introduction of the new weights is expedient. It will necessarily be an essential point in such an enquiry to ascertain that the locality is furnished with the means of providing the new weights to all persons who will be compelled to use them, and it will therefore be obligatory on the Government to see that a sufficient supply of the new weights is available for sale before the compulsory powers given are carried into effect.

Experience shows that, to ensure proper regularity and accuracy in the weights and measures of any country, a system of verification and inspection is necessary. To carry out these duties, officers are to be appointed, to be termed wardens, and to these only is to be entrusted the power of putting in force the penalties imposed under the new law.

These penalties will only take effect after they have been specially made applicable in any locality. They provide small fines for selling or using the new authorized weights when correct, unless they have been verified, and somewhat higher fines for using incorrect unverified weights of the authorized description, or unauthorized weights after the compulsory use of the new weights has come into operation, as well as for neglecting to submit weights for periodical verification.

Powers are proposed to be given to the Governor General in Council to make rules to regulate various details of administration relating to the system under which weights and measures are verified. Such rules have been universally found to be necessary. In England, they are supplied by a large number of legal enactments, but in other countries it has been thought better to leave such matters to the executive Government, and this course it is proposed to follow for India.

R. STRACHEY.

The 7th March 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

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Published by Authority.

CALCUTTA, SATURDAY, MARCH 19, 1870.

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PART V.

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GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 11th March 1870, and was referred to a Select Committee with instructions to make their report thereon in a fortnight:—

No. 7 OF 1870.

THE INDIAN WEIGHTS AND MEASURES BILL, 1870.

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SECTION.

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1. Short title and extent.

II.—Standards.

2. Standard of Weight.
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V.—Miscellaneous.

23. Power to make rules.
    Publication of rules.
24. Recovery of fees.
25. Tables of equivalents.
26. Convictions how limited.

A Bill to regulate the Weights and Measures of British India.

Preamble.

WHEREAS it is expedient to provide for the ultimate adoption of an uniform system of Weights and Measures in all parts of British India; It is hereby enacted as follows:—

I.—Preliminary.

Short title and extent.

1. This Act may be called "The Indian Weights and Measures Act, 1870," and shall extend to all parts of British India.

II.—Standards.

2. The primary standard of Weight shall be a Ser equal to a Weight of 2·20462125 British Pounds Avoirdupois which is equal to the kilogram known in France as the Kilogramme des Archives.

Standard of Weight.

3. The primary standard of length shall be a metre equal to a length of 39·37079 British Inches which is equal to the metre known in France as the Mètre des Archives.

Standard of length.

4. The Units of Weight and Measurement shall be;

Units of Weight and Measurement.

for Weights, the said Ser:
for Measures of Capacity, a measure containing one such Ser of water at its maximum density, and being equal to 0·2202443 of a British Gallon,
for Measures of Length, the said metre,
for Measures of Area, the square metre,
for Measures of Solidity, the cubic metre.

5. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, declare the magnitude and denominations of the Weights and Measures, other than the said units, to be authorized under this Act, provided that every such Weight or Measure shall be an integral multiple or integral sub-multiple of one of the units aforesaid, and may, in like manner, revoke such notification.

Special Weights and Measures to be authorized.

Unless it shall otherwise be ordered in any such notification, the sub-divisions of all such Weights and Measures shall be expressed in decimal parts.

6. There shall be provided, in such manner and for such districts as the Governor General in Council shall direct, suitable primary standards and sets of the said authorized Weights and Measures which shall, for the purposes of this Act, be deemed the standards for such districts.

Sets of standards to be provided.

7. There shall be provided, in such manner and for such sub-districts as the Local Government shall direct, copies of such of the said authorized Weights and Measures as shall be necessary to serve as local standards in such sub-districts. Such local standards shall be deemed to be correct until declared to be otherwise by the proper authority.

Local standards to be provided.

8. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, define the limits of the aforesaid districts.

Districts how defined.

The Local Government may, from time to time, by notification in the official Gazette, define the limits of the aforesaid sub-districts.

Sub-districts how defined.

III.—Use of new Weights and Measures.

9. Whenever the Governor General in Council considers that suitable standard Weights and Measures have been made available for use by any Government or Municipal office or department or any Railway Company, the Governor General in Council may, by notification in the official Gazette, direct that, after a date to be named therein, all or any of the Weights and Measures authorized as aforesaid shall be used in all dealings and contracts by such office, department or company.

Use of new Weights and Measures in Government offices.

10. The Governor General in Council, or the Local Government, with the previous assent of the Governor General in Council, may, by notification in the official Gazette, direct that, after a date to be named therein, all or any of the Weights authorized as aforesaid shall be used in the dealings and contracts of the persons exercising any specified occupation or trade in any district or sub-district.

General use of new Weights.

The said Governor General in Council or Local Government, as the case may be, may, in like manner, from time to time, alter or revoke the orders contained in any such notification.

Provided that no such notification shall issue, until suitable standard Weights have been provided for such district, or sub-district, nor until the Governor General in Council or the Local Government, as the case may be, shall have been satisfied after a public local enquiry held in such district, or sub-district, that the obligatory introduction of the said Weights is expedient.

11. The Governor General in Council or the Local Government, with the previous assent of the Governor General in Council, may, by notification in the official Gazette, declare the date after which all or any of the provisions of sections twelve, thirteen, fourteen and fifteen shall come into operation in respect to any district or sub-district; and otherwise than as aforesaid the said sections shall be of no effect.

Operation of penalties.

12. Whoever sells any Weight, Weighing Machine or Measure, purporting to indicate any Weight or Measure authorized under this Act, or any Balance, which shall not respectively have been duly verified, shall, to the extent declared under section eleven, be liable to a fine not exceeding five rupees for every such Weight, Weighing Machine, Measure or Balance so sold.

Penalty for sale of articles not verified.

13. Whoever uses or has in his possession for purposes of trade or business, any Weight or Weighing Machine purporting to indicate any Weight authorized under this Act, or any Balance, which, being correct and in conformity with the requirements of this Act, shall not respectively have been duly verified, shall, to the extent declared under section eleven, be liable to a fine not exceeding five rupees for every such thing so used, or so had in possession.

Penalty for use of authorized Weights not verified, but correct.

14. Whoever uses or has in his possession for purposes of trade or business

Penalty for use of Weights not authorised and not correct.

any Weight other than a Weight directed to be used under section ten, or any Machine for the purpose of indicating any Weight other than as aforesaid, or

any Weight, or Weighing Machine, purporting to indicate any Weight authorized under this Act, or any Balance, which, not being respectively duly verified, is not correct, or not in conformity with the requirements of this Act,

shall, to the extent declared under section eleven, be liable to a fine not exceeding ten rupees for every such offence.

15. All Government or municipal officers, and all persons engaged in occupations or trades shall, so far as they shall be required by the rules under section twenty-three, submit for verification by a Warden the Weights, Weighing Machines and Measures, used by them under the provision of section nine or ten, or the Balances used by them, at such times not oftener than once in two years, and pay for such verification the proper fee, as the said rules shall prescribe, failing which every such person shall, to the extent declared under section eleven, be liable to a fine not exceeding fifty rupees for every such offence.

Periodical verification of Weights and Measures.

IV.—Wardens.

16. The Governor General in Council or the Local Government, as the case may require, shall appoint Wardens for the custody of the said standards and sets of authorized Weights and Measures, and local standards, and for the inspection and verification of Weights, Weighing Machines, Measures and Balances.

Appointment of Wardens.

The Governor General in Council or the Local Government, as the case may be, may at any time suspend or remove any such Warden and appoint another person in his stead.

17. The Warden shall verify, and shall, if so required, correct all Weights, Weighing Machines, and Measures, purporting to indicate Weights or Measures authorized under this Act, and Balances brought to him for verification or correction, which shall appear to him fit for verification and correction. When they are correct and in conformity with the requirements of this Act, he shall certify the same with the proper mark.

Warden to verify and correct Weights, Measures and Balances.

18. The Warden may deface or render incapable of use, or refuse to verify, correct, or mark anything brought to him for verification or correction under section seventeen which shall appear to him unfit for verification or correction.

May refuse to verify or correct things unfit.

19. Weights, Weighing Machines and Measures, purporting to indicate any Weight or Measure authorized under this Act, and Balances imported into British India but not verified in conformity with the rules prescribed under section twenty-three, may be detained by the officers of Customs and taken to the Warden for verification at the cost of the importer thereof.

Importation of Weights and Measures into British India.

20. No prosecutions under this Act shall be instituted excepting by a Warden.

Prosecutions.

21. A Magistrate convicting any person under section twelve, thirteen, fourteen or fifteen of this Act, or under Chapter XIII of the Indian Penal Code (*of offences relating to weighing and measuring*) may order the thing, in respect to which the conviction took place, to be brought before a Warden, to be dealt with under the provisions of section seventeen. Provided that, if the Magistrate shall consider such thing to be unfit for verification or correction, he may cause it to be defaced or rendered incapable of use.

Disposal of things in respect to which convictions take place.

22. Any officer in charge of a police-station may, on the application of a Warden, exercise the powers described in section 129 of the Code of Criminal Procedure for the purpose of inspecting, searching for, and seizing Weights, Weighing Machines, Measures and Balances kept for use under the provisions of section nine or ten, in the dealings or contracts of any Government or municipal office or department, or any person exercising an occupation or trade, specified as being subject to inspection by the rules aforesaid, which shall not be duly verified, correct or in conformity with the requirements of this Act as though such things had been false Weights.

Search for Weights not verified or not correct.

V.—Miscellaneous.

23. The Governor General in Council may from time to time make rules consistent with this Act for regulating the following matters:—

Power to make rules.

(*a*). The appointment of Wardens;

(*b*). The guidance of Wardens in all matters connected with the performance of their duties;

(*c*). The provision, custody and use of the standards;

(*d*). The method of verifying Local Standards, and Weights, Weighing Machines, and Measures authorized under this Act, and Balances, and of certifying such verification;

(*e*). The errors which may be tolerated in Weights, Weighing Machines, and Measures authorized under this Act and Balances;

(*f*). The shapes, proportions and dimensions to be given to Weights, Weighing Machines, and Measures authorized under this Act, and Balances, and the materials of which they may be made;

(*g*). The marking on Weights and Measures authorized under this Act, of their several denominations;

(*h*). The conditions under which Government and municipal offices or departments, and persons exercising occupations or trades, shall be subject to inspection and verification of the Weights, Weighing Machines, and Measures authorized under this Act, and Balances used or sold by them;

(*i*). The amount of the fees to be paid for verifying, correcting and certifying the verification of Weights, Weighing Machines, and Measures authorized under this Act, and Balances.

Such rules shall be published in the *Gazette of India*, and the Governor General in Council, or the Local Government with the previous assent of the Governor General in Council, may, by notification in the official Gazette, declare that, after a day to be named therein, all or any of the said rules shall come into operation in respect of any government or municipal office or department, or of any railway company, or of the persons exercising any specified occupation or trade, in any district or sub-district, and thereupon to the extent specified in such notification, the said rules or any of them shall have the force of law.

Publication of rules.

24. Fees payable under this Act shall be recoverable as though they were fines.

Recovery of fees.

25. The Local Government may, from time to time, prepare tables of the equivalents of Weights and Measures other than those authorized under this Act in terms of the Weights and Measures so authorized, and the equivalents so stated, after notification in the official Gazette, shall be deemed the true equivalents.

Tables of equivalents.

26. No person shall be convicted under section thirteen or fourteen unless the Warden shall have proved that Weights authorized under this Act were publicly offered for sale and procurable at a reasonable price in the district or sub-district in which the offence was committed, and at or immediately before the time when the offence was committed.

Convictions how limited.

STATEMENT OF OBJECTS AND REASONS.

The object of the present Bill is to give effect to the conclusions that have recently been adopted by the Governor General in Council, and concurred in by the Secretary of State, as to the steps to be taken for reforming the Weights and Measures of British India.

These conclusions are contained in the following extract of a despatch from the Government of India to the Secretary of State :—

Home Department, No. 163, dated 6th November 1868, paragraph 11.

"We therefore consider that the new unit of weight should be a ser equal to the kilogramme, or 2·205 lbs. avoirdupois, and

that a system of decimal multiples and sub-divisions of the unit of weight should be accepted as a fundamental part of the new scale to be recognized by law. We are, however, of opinion, for the reasons stated by Mr. Strachey in his *Minute*, that other multiples and sub-divisions should not be prohibited wherever their continued use appears to be demanded on considerations of present convenience and expediency, and

that while it is desirable that the new system of weights should be brought into general use as speedily as possible, it should not be forced on any class of the community until such class is to some extent prepared to accept it. The best preparation for the general adoption of the new weights will undoubtedly be their introduction and authoritative use in the public departments of the Government, which are so widely scattered over the whole of the country.

"We therefore propose

that the new unit of weight, with a system of decimal multiples and sub-divisions, should be authoritatively adopted in all departments of the Government, by all municipal bodies, and on the railways, as soon as practical convenience will admit."

In an earlier part of the same despatch, the following remarks were made as to the reasons that led the Government of India to the conclusion that immediate measures of reform were needed :—

"The perusal of the voluminous papers which are now before us, has satisfied us that an immediate reform of Indian weights and measures is urgently required. On this point there is no difference of opinion among all the authorities that have been consulted.

"The existing diversity of weights and measures in this country is a most serious evil, and reform is needed, as observed by our hon'ble colleague, His Excellency the Commander-in-Chief, not only to facilitate and simplify commercial operations, but also as an essential preliminary towards the suppression of the fraudulent practices which are now so common among retail dealers."

The whole of the documents, on the consideration of which the Government of India adopted these views, were published in the *Gazette of India* on the 18th February 1869, and in that collection of papers will be found at length the arguments which led the Governor General in Council to the conclusion that it was not expedient to introduce the weights of Great Britain in India, and that the unit of the metrical system was more suitable, and should be preferred.

It is apparent that the introduction of uniform weights and measures into a country so large as British India, and having a population so little educated, must be a task of much difficulty, and must in practice be spread over a considerable period of time. Every step in the change must be carefully watched, and great freedom of action must be permitted to the Government to prevent serious inconveniences.

The Bill proposes to declare what shall be the new standards and units of weight and length that are eventually to be adopted. The executive Government is to be empowered to frame scales of weights and measures based on these new standards and units, which are to be regarded as the authorized weights and measures of India.

But although the new authorized weights and measures will thus be defined, their use will only be made obligatory by specific orders of the executive Government, and then only under certain limitations.

The use of the new weights and measures may be made obligatory on Government departments, and municipal offices, and railway companies, when the Government is satisfied that proper standards are made available for the use of these departments, offices and companies. Of course it will also be an essential preliminary that the new weights and measures shall be provided for use before any of them are introduced.

For the community generally, no power is taken to make obligatory the use of the new measures, but only of the new weights. Further, the general obligatory use of the new weights in any locality can only be required when the Government has been satisfied, after a public local enquiry, that introduction of the new weights is expedient. It will necessarily be an essential point in such an enquiry to ascertain that the locality is furnished with the means of providing the new weights to all persons who will be compelled to use them, and it will therefore be obligatory on the Government to see that a sufficient supply of the new weights is available for sale before the compulsory powers given are carried into effect.

Experience shows that, to ensure proper regularity and accuracy in the weights and measures of any country, a system of verification and inspection is necessary. To carry out these duties, officers are to be appointed, to be termed wardens, and to these only is to be entrusted the power of putting in force the penalties imposed under the new law.

These penalties will only take effect after they have been specially made applicable in any locality. They provide small fines for selling or using the new authorized weights when correct, unless they have been verified, and somewhat higher fines for using incorrect unverified weights of the authorized description, or unauthorized weights after the compulsory use of the new weights has come into operation, as well as for neglecting to submit weights for periodical verification.

Powers are proposed to be given to the Governor General in Council to make rules to regulate various details of administration relating to the system under which weights and measures are verified. Such rules have been universally found to be necessary. In England, they are supplied by a large number of legal enactments, but in other countries it has been thought better to leave such matters to the executive Government, and this course it is proposed to follow for India.

R. STRACHEY.

The 7th March 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th March 1870, and was referred to a Select Committee with instructions to make their report thereon in a fortnight :—

No. 8 OF 1870.

A Bill for repealing certain enactments which have ceased to be in force, or have become unnecessary.

WHEREAS it is expedient that certain enactments (mentioned in the schedule to this Act) which have ceased to be in force otherwise than by express and specific repeal, or have by lapse of time and change of circumstances become unnecessary, or which merely repeal prior enactments, should be expressly and specifically repealed; It is hereby enacted as follows :—

Preamble.

1. The enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of the same schedule :

Enactments in schedule repealed.

Provided that the repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to :

And this Act shall not affect the validity or invalidity of anything already done or suffered, or any right or title already acquired, or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing :

Nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized, or derived by, in or from, any enactment hereby repealed :

Nor shall this Act provide or restore any jurisdiction, office, usage, custom, privilege, restriction, exemption, usage or practice not now existing, or in force.

2. This Act may be called "The Repealing Act, 1870."

Short title.

SCHEDULE.

PART I.—STATUTES.

Year and chapter.	TITLE.	Extent of repeal.
13 Geo. III, cap. lxiii.	An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe.	Sections sixteen, nineteen, twenty, twenty-seven, twenty-eight, twenty-nine, thirty-one, thirty-three, thirty-six, thirty-eight from the words "and for that purpose" to the end of the section.

SCHEDULE —*continued.*

Year and chapter.	TITLE.	Extent of repeal.
21 Geo. III, cap. lxx.	An Act to explain and amend so much of an Act, made in the thirteenth year of the reign of his present Majesty, intituled, An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe, as relates to the administration of justice in Bengal; and for the relief of certain persons imprisoned at Calcutta in Bengal, under a judgment of the Supreme Court of Judicature; and also for indemnifying the Governor General and Council of Bengal, and all officers who have acted under their orders or authority, in the undue resistance made to the process of the Supreme Court.	Sections nine to sixteen (both inclusive), sections nineteen to twenty-six (both inclusive).
33 Geo. III, cap. lii.	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with their exclusive trade, under certain limitations; for establishing further regulations for the Government of the said territories, and the better administration of justice within the same; for appropriating to certain uses the revenues and profits of the said Company; and for making provision for the good order and Government of the towns of Calcutta, Madras and Bombay.	Sections sixty-one, one hundred and thirty-seven from and including the words "nor shall it be lawful for any of His Majesty's subjects" to the end of the section, one hundred and fifty-five, one hundred and fifty-nine.
37 Geo. III, cap. cxlii.	An Act for the better administration of justice at Calcutta, Madras and Bombay; and for preventing British subjects from being concerned in loans to the Native Princes in India.	Sections four to eight (both inclusive), sections fifteen, seventeen to twenty-six (both inclusive), section thirty.
39 & 40 Geo. III, cap. lxxix.	An Act for establishing further regulations for the Government of the British territories in India, and the administration of justice within the same.	Sections four, six, eight, ten, eleven, seventeen, eighteen, nineteen, twenty-one, twenty-two, twenty-three, twenty-four.
53 Geo. III, cap. clv.	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the Government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's Charter.	Sections ninety-eight, ninety-nine, one hundred and one, one hundred and four, one hundred and eight, one hundred and nine, one hundred and thirteen, one hundred and twenty-two.
54 Geo. III, cap. cv.	An Act to remove doubt as to the Duties and Taxes heretofore imposed and levied under the authority of the several Governments in the East Indies.	The whole.

SCHEDULE —*continued.*

Year and chapter.	TITLE.	Extent of repeal.
55 Geo. III, cap. lxxxiv.	An Act to amend so much of an Act of the thirty-third year of His present Majesty, as relates to fixing the limits of the Towns of Calcutta, Madras and Bombay; and also so much of an Act of the thirty-ninth and fortieth year of His present Majesty, as relates to granting Letters of Administration to the effects of persons dying intestate within the several Presidencies in the East Indies, to the Registrar of the Ecclesiastical Courts; and to enable the Governor in Council of the said Presidencies to remove persons not being British subjects; and to make provision for the Judges in the East Indies in certain cases.	The whole.
4 Geo. IV, cap. lxxi.	An Act for defraying the charge of retiring pay, pensions and other expenses of that nature, of His Majesty's Forces serving in India; for establishing the pensions of the Bishop, Archdeacons and Judges; for regulating Ordinations; and for establishing a Court of Judicature at Bombay.	Sections eight, nine, ten, fourteen.
5 Geo. IV, cap. cviii.	An Act for transferring to the East India Company certain possessions newly acquired in the East Indies, and for authorizing the removal of convicts from Sumatra.	Section two.
6 Geo. IV, cap. lxxxv.	An Act for further regulating the payment of the salaries and pensions to the Judges of His Majesty's Courts in India, and the Bishop of Calcutta; for authorizing the transportation of offenders from the Island of Saint Helena; and for more effectually providing for the administration of Justice in Singapore and Malacca, and certain Colonies on the Coast of Coromandel.	Section six.
7 Geo. IV, cap. xxxvii.	An Act to regulate the appointment of juries in the East Indies.	The whole.
9 Geo. IV, cap. xxxiii.	An Act to declare and settle the law respecting the liability of the real estates of British subjects and others, situate within the jurisdiction of His Majesty's Supreme Courts in India, as assets in the hands of executors and administrators, to the payment of the debts of their deceased owners.	The whole.
11 Geo. IV. & 1 Wm. IV, cap. lxxv.	An Act for the relief of the sufferers by the insolvency of Gilbert Ricketts, Esquire, formerly Registrar of the Supreme Court of Judicature at Madras.	The whole.
5 & 6 Wm. IV, cap. vi.	An Act to indemnify the Governor General and other persons in respect of certain acts done in the administration of the Government of the British Territories in the East Indies subsequent to the twenty-second day of April One thousand eight hundred and thirty-four, and to make those Acts valid.	The whole Act so far as it relates to British India.
11 & 12 Vic., cap. xxi.	An Act to consolidate and amend the Laws relating to insolvent debtors in India.	Sections one, sixty-five, sixty-six and sixty-seven.

PART II.—ACTS.

Number and year.	TITLE.	Extent of repeal.
X of 1836	Indigo contracts	Section one.
XX of 1836	Revenue Sale Law ...	Sections one and four.
VI of 1837	Land Revenue (Cuttack) ...	Section two.
XI of 1838	Amíns, Bengal	Section one and in section two the words 'And it is hereby enacted that.'
XVI of 1838	Bombay Judiciary ...	In section one, clause one, the words 'It is hereby enacted in modification of the rules contained in chapter VII, Regulation XVII of 1827 of the Bombay Code that'
XIX of 1838	Bombay Coasting Vessels ...	Section one.
XXIX of 1838.	Salt Department, Bengal ...	Section one.
XXXII of 1838.	Justices of the Peace ...	Sections two and three.
VII of 1839	Tahsildárs, Madras ...	Section one.
XXIV of 1839.	Ganjam and Vizagapatam ...	Section one.
XVI of 1840	An Act concerning the management of convicts transported to places within the territories of the East India Company.	Section four.
XI of 1841	An Act for consolidating and amending the Regulations concerning Military Courts of Requests for Native Officers and Soldiers in the service of the East India Company.	The first twenty-one words in section one, and section eighteen.
XII of 1841	An Act for amending the Bengal Code in regard to sales of land for arrears of revenue.	Section one.
XXIX of 1841.	An Act for amending such parts of the Bengal and Madras Codes as concern the dismissal of suits and appeals for neglecting to proceed in the same.	Section three down to and including the words 'are repealed, and'
XVII of 1842	An Act relative to the number and powers of the Revenue Commissioners under the Presidency of Bombay.	Section one and in sections two and three the words 'and it is hereby enacted that'
XI of 1843	An Act for regulating the service of hereditary officers under the Presidency of Bombay.	Section one.

SCHEDULE —*continued.*

Number and year.	TITLE.	Extent of repeal.
XI of 1844	An Act for the improvement of the administration of justice and despatch of business in the Supreme Court of Judicature at Fort William in Bengal.	The whole.
XVI of 1844	An Act for increasing the Excise and Import Duties heretofore payable to the Government on salt manufactured within or imported into the territories subject to the Government of the Presidency of Bombay.	Sections one, three and five.
XVIII of 1844.	An Act for the better control and management of gaols within the Bengal Presidency.	Section one and in section two the words 'And it is hereby enacted that'
XX of 1844	An Act to amend the law relating to advances *bond fide* made to Agents intrusted with goods, by extending to the territories of the East India Company, in cases governed by English Law, the provisions of the Statute 5 & 6 Victoria, c. 39, as altered by this Act.	Section nine.
XV of 1845	An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of judicial and revenue proceedings.	Section six.
VIII of 1846	An Act for determining the duration of the existing Settlement of the North-Western Provinces.	Section one so far as it relates to Hissar, Saharanpore, Moozuffernugger, Meerut, Bulundshuhur, Allyghur, Bijnore, Budaon, Bareilly, Shajehanpore, Furruckabad, Allahabad, Goruckpore and Azimgurh.
I of 1847	An Act for the establishment and maintenance of Boundary Marks in the North-Western Provinces of Bengal.	In section six, the words and figures "under Act IV of 1840."
IX of 1847	An Act regarding the assessment of lands gained from the sea or from rivers by alluvion or dereliction within the Provinces of Bengal, Behar and Orissa.	Section eight.
XX of 1847	An Act for the encouragement of learning in the territories subject to the Government of the East India Company, by defining and providing for the enforcement of the right called copy-right therein.	Section seventeen.
IV of 1848	An Act for regulating Coroner's Juries.	In section two, the words and figures "according to the provisions of Act No. II of 1839."
XVI of 1848	An Act to remove certain restrictions on the salt trade.	The whole.

SCHEDULE —*continued.*

Number and year.	TITLE.	Extent of repeal.
XVIII of 1848.	An Act for the administration of the estate of the late Nawab of Surat, and to continue privileges to his family.	Sections three and four.
I of 1849	An Act to provide more effectually for the punishment of offences committed in Foreign States.	Section one.
VI of 1849	For securing Military and Naval pensions and superannuation allowances.	Sections one and four.
XI of 1849	For securing the Abkaree revenue of Calcutta.	Section one.
IX of 1850	An Act for the more easy recovery of small debts and demands in Calcutta, Madras, and Bombay.	Section seven. In section seventeen, the words 'by action of debt or on the case.'
XI of 1850	An Act to amend Act X, 1841.	ection one.
XII of 1850	For avoiding loss by the default of Public Accountants.	Section six.
XIX of 1850	Concerning the binding of Apprentices.	Section six.
XXV of 1850	An Act for the forfeiture to Government of deposits made on incomplete sales of land under Regulation VIII, 1819, and Act IV, 1846.	Section one.
XXVI of 1850.	An Act to enable improvements to be made in towns.	Section one.
XXXIII of 1850.	An Act for amending the forms necessary for the sale of Putnee Tenures in Bengal.	Sections two and three.
XXXVII of 1850.	For regulating inquiries into the behaviour of public servants.	Section one.
XLIV of 1850.	An Act for consolidating the Board of Customs, Salt, and Opium, and the Sudder Board of Revenue in the Lower Provinces of Bengal.	Section one.
VI of 1851	Respecting certain land in Bombay called Poras Land.	The whole.
VIII of 1851	An Act for enabling Government to levy tolls on public roads and bridges.	Section one.
V of 1852	An Act for giving effect to the provisions of an Act of Parliament, passed in the 15th year of the reign of Her present Majesty, intituled "An Act for Marriages in India."	Section twenty-six.

SCHEDULE —*continued.*

Number and year.	TITLE.	Extent of repeal.
XV of 1852	An Act to amend the Law of Evidence.	Section fourteen.
XVI of 1852	An Act for further improving the administration of Criminal Justice in Her Majesty's Courts of Justice in the territories of the East India Company.	Sections ten and twenty-seven.
XIX of 1852.	An Act for securing the Abkaree revenue of Madras.	Section one.
XXIII of 1852.	To authorize and empower the Governors in Council of the respective Presidencies of Madras and Bombay to mitigate or discharge fines, amerciaments, &c., imposed by the Supreme Courts, or any other Courts of Justice at Madras and Bombay respectively.	The preamble and section one.
XXIX of 1852.	An Act to amend the law respecting the Circuits of Judicial Commissioners in the Presidency of Bombay.	Section one.
XI of 1853	An Act to facilitate the removal of Nuisances and encroachments below High-water Mark in the Islands of Bombay and Colaba.	In section seven, the words "the East India Company as trustees for"
XX of 1853.	An Act to amend the law relating to Pleaders in the Courts of the East India Company.	Section one.
V of 1854	An Act to amend Act No. V of 1838 relating to the Bengal Bonded Warehouse Association.	Section one.
VII of 1854	An Act for the apprehension, within the territories under the Government of the East India Company, of persons charged with the commission of heinous offences beyond the limits of the said territories, and for delivering them up to justice, and to provide for the execution of warrants in places out of the jurisdiction of the authorities issuing them.	Section twenty-four.
XIII of 1854.	An Act to repeal Act No. VI of 1852, and to make provision for defraying the cost of the Light House on Pedra Branca, and for maintaining the same, and also a floating light established in the straits of Malacca, to the west of Singapore, and for the establishment and maintenance of such further Lights in or near to the said Straits as may be deemed expedient.	Section one.
XVI of 1854.	An Act to amend Regulation XI of 1831 of the Bengal Code.	Section one
XVIII of 1854.	An Act relating to Railways in India.	Section thirty-nine.
XXVII of 1854.	An Act to amend the law relating to the Nazim of Bengal.	Section one.

SCHEDULE —*continued.*

Number and year.	TITLE.	Extent of repeal.
XXX of 1854	An Act to provide for the levy of duties of Customs in the Arracan, Pegu, Martaban, and Tenasserim Provinces.	Sections one and twelve.
XXXI of 1854.	An Act to abolish real actions and also fines and common recoveries, and to simplify the modes of conveying land in cases to which the English Law is applicable.	Section one.
II of 1855.	An Act for the further improvement of the Law of Evidence.	Section seventeen.
XXII of 1855	An Act for the regulation of Ports and Port-dues.	Section one, and in section thirty-five, the words "or of the Hon'ble East India Company," section forty-three.
XXIV of 1855.	An Act to substitute penal servitude for the punishment of Transportation in respect of European and American convicts, and to amend the law relating to the removal of such convicts.	Section sixteen.
XXVI of 1855.	An Act to facilitate the payment of small deposits in Government Savings' Banks to the representatives of deceased depositors.	So much of section five as relates to persons dying in the service or in the marine service of the East India Company.
XXVIII of 1855.	An Act for the repeal of the Usury Laws.	Sections one, seven, eight and the schedule.
XXXII of 1855.	An Act relating to embankments.	Section one.
XXXVII of 1855.	An Act to remove from the operation of the general Laws and Regulations certain Districts inhabited by Sonthals and others, and to place the same under the superintendence of an officer to be specially appointed for that purpose.	Section six.
VIII of 1856	An Act for the better control of the gaols within the Presidencies of Fort St. George and Bombay.	Section one.
XII of 1856	An Act to amend the law respecting the employment of Ameens by the Civil Courts in the Presidency of Fort William.	Section one.
XIII of 1856.	An Act for regulating the Police of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore and Malacca.	Section one from and including the words "The several" down to and including "operation, and" And the schedule.

SCHEDULE —*continued.*

Number and year.	TITLE.	Extent of repeal.
XX of 1856	An Act to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs, and Bazaars in the Presidency of Fort William in Bengal.	Section one from and including "Regulation" down to and including "provided that"
XXI of 1856	An Act to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal.	Sections one and eighty-nine.
III of 1857	An Act relating to trespass by Cattle.	Sections one and twenty-two.
IV of 1857	An Act to amend the law relating to the duties payable on Tobacco, and the retail sale and warehousing thereof in the town of Bombay.	Section one. In section five, the words and figures "within the meaning of Act XXV of 1836."
X of 1857	An Act to amend Act XXXVII of 1855.	In section one from and including "so much" down to and including "this Act; and"
XIII of 1857	An Act to consolidate and amend the law relating to the cultivation of the poppy and the manufacture of opium in the Presidency of Fort William in Bengal.	Section one.
XXIX of 1857.	An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidency of Bombay.	Section one.
XXX of 1857	An Act for the levy of Port-dues and fees in the Port of Calcutta.	In section seven from and including "this Act" down to and including "said date."
XXXI of 1857.	An Act for the levy of Port-dues and fees in the Port of Bombay.	In section six from and including "this Act" down to and including "said date."
XXXIV of 1857.	An Act relating to the sale of Ganjah in the Presidency of Bombay.	Section one.
XXXV of 1857.	An Act for the levy of Port-dues in the ports of Moulmein, Rangoon, Kyouk Phyoo, Akyab and Chittagong.	Section five down to and including "said date."
II of 1858	An Act for the levy of Port-dues in certain ports in the Province of Cuttack.	Section five. Section six down to and including "said date."
III of 1858	An Act to amend the law relating to the arrest and detention of State Prisoners.	Section one.
VIII of 1858	An Act for the levy of Port-dues and fees in the Port of Kurrachee.	Section seven. Section eight down to and including "said date."
XV of 1858	An Act for the levy of Port-dues in the Port of Aden.	Section six down to and including "said date."

SCHEDULE —*continued.*

Number and year.	TITLE.	Extent of repeal.
XXVIII of 1858.	An Act for the maintenance of a Police Force for the Port of Madras.	Section eleven.
XXXV of 1858.	An Act to make better provision for the care of the estates of Lunatics not subject to the jurisdiction of the Supreme Courts of Judicature.	Section one.
XL of 1858	An Act for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal.	Section one.
I of 1859	An Act for the amendment for the law relating to Merchant Seamen.	Section one.
III of 1859	An Act for conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those Officers Registers of Deeds.	In section eleven, the words "or who shall be appointed Register of Deeds under the provisions of this Act" "and Registers of Deeds respectively."
VIII of 1859	An Act for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter.	In section three hundred and eighty-two, the words "in any Court of Judicature established by Royal Charter or" Section three hundred and eighty-seven.
X of 1859	An Act to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.	Sections one and one hundred and sixty-seven.
XI of 1859	An Act to improve the law relating to sales of land for arrears of revenue in the Lower Provinces under the Bengal Presidency.	Section one.
XII of 1859	An Act to make better provision for the trial of Pilots at the Presidency of Fort William in Bengal for breach of duty.	Section one.
XIV of 1859	An Act to provide for the limitation of suits.	Sections eighteen, twenty-one and twenty-three, and, in section nineteen, the proviso.
XVII of 1859	An Act to amend the law for the realization of revenue from Abkaree in the Island of Bombay.	Section one.
XX of 1859	An Act for the suppression of outrages in the District of Malabar in the Presidency of Fort Saint George.	Section one.
XXII of 1859	An Act to amend Act I of 1852 (for the consolidation and amendment of the Laws relating to the Customs under the Presidency of Bombay).	Section one.

SCHEDULE —*continued.*

Number and year.	TITLE.	Extent of repeal.
XXIV of 1859.	An Act for the better regulation of the Police within the territories subject to the Presidency of Fort St. George.	Sections two and three and the schedule down to "said clause."
XXV of 1859	An Act to prevent the overcrowding of Vessels carrying Native passengers in the Bay of Bengal.	Section nineteen.
II of 1860	An Act to amend the law relating to the carriage of Passengers by Sea.	In section one, the words and figures "under Act XV of 1842," "under Act XXI of 1844," "under Act XXXI of 1855."
VIII of 1860.	An Act for regulating the establishment and management of Electric Telegraphs in India.	Section one.
XXIII of 1860.	An Act to amend Act XXI of 1856 (to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal).	Section one, from the beginning down to and including 'repealed' and the schedule.
XXV of 1860	An Act for the levy of Port-dues in the Port of Bassein.	Section five from the beginning down to and including "said date."
XXVIII of 1860.	An Act for the establishment and maintenance of boundary marks, and for facilitating the settlement of boundary disputes in the Presidency of Fort Saint George.	Sections one and thirty-three.
XXXI of 1860	An Act relating to the manufacture, importation and sale of arms and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases.	Sections one, fifty-two and fifty-five.
XLV of 1860	The Indian Penal Code ...	In section five, the words "or of the East India Company, or of any Act for the government of the Indian Navy."
XLVI of 1860	An Act to authorize and regulate the emigration of Native laborers to the French Colonies.	Section one.
XLVIII of 1860.	An Act to amend Act XIII of 1856 (for regulating the Police of the towns of Calcutta, Madras and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca).	Section one, from the beginning down to and including "repealed and"
L of 1860	An Act to amend the law relating to vacations in the Civil Courts within the Presidency of Fort William in Bengal.	Section one.
X of 1861	An Act to repeal certain Regulations and Acts relating to the procedure of the Courts of Civil Judicature not established by Royal Charter.	The whole.

SCHEDULE —*continued.*

Number and year.	TITLE.	Extent of repeal.
XIV of 1861	An Act to remove certain tracts of country in the Rohilcund Division from the jurisdiction of the tribunals established under the general Regulations and Acts.	In section four, the words "shall not call for the futwah of its law officer and" Section seven.
XVI of 1861	An Act for licensing and regulating stage carriages.	Section twenty-two.
XVII of 1861	An Act to amend Act XIV of 1843 (for regulating the Customs Duties in the North-Western Provinces).	Section three.
XIX of 1861	An Act to provide for a Government Paper Currency.	Section one.
XXIII of 1861.	An Act to amend Act VIII of 1859 (for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter).	Sections one and forty-three.
XXV of 1861	An Act for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.	Section four hundred and forty-five except so far as it empowers the Governor General in Council to extend the Act.
IV of 1862	An Act for regulating the Bank of Bengal.	Sections one and forty-two, and the second proviso in section eleven.
XIII of 1862	An Act to provide for a new Silver and a new Copper Coinage.	Section one.
XX of 1862	An Act to provide for the levy of Fees and Stamp Duties in the High Court of Judicature at Fort William in Bengal; and to suspend the operation of certain sections of Act VIII of 1859 in the said High Court.	Sections seven, eleven and twelve.
XXIII of 1862.	An Act to amend Act XI of 1862 (to amend the duties of Customs on goods imported and exported by sea).	The whole.
I of 1863	An Act to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burmah, and to provide for the extension of certain Acts to the said territory.	Sections one and twenty-eight.
VI of 1863	An Act to consolidate and amend the laws relating to the administration of the Department of Sea Customs in India.	Sections two and two hundred and thirty.
VIII of 1863	An Act for the amendment of the law relating to the confinement of prisoners sentenced by Courts acting under the authority of Her Majesty, and by certain other Courts, and of prisoners convicted of offences in Native States.	Section one.
XII of 1863	An Act to bring the Pergunnahs of Mahoba and Jeitpore, in the District of Humeerpore, under the operation of the General Regulations.	Sections two, three, four, five, six.

SCHEDULE —*continued.*

Number and year.	TITLE.	Extent of repeal.
XV of 1863	An Act to amend Act I of 1859 (for the amendment of the law relating to Merchant Seamen).	Section one.
XIX of 1863	An Act to consolidate and amend the law relating to the partition of estates paying revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal.	Section one, and the first eight words of section two. Section fifty.
XX of 1863	An Act to enable the Government to divest itself of the management of Religious Endowments.	Section one.
XXIV of 1863.	An Act to amend Act I of 1863 (to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burmah, and to provide for the extension of certain Acts to the said territory).	Sections four and five.
VII of 1864	An Act for regulating the importation and manufacture of alimentary salt, in the territories administered by the Chief Commissioner of the Central Provinces.	Section one.
XII of 1864	An Act to give further effect to the provisions of Act IV of 1863 (to give effect to certain provisions of a Treaty between His Excellency the Earl of Elgin and Kincardine, Viceroy and Governor General of India, and His Majesty the King of Burmah).	Section two.
XIII of 1864	An Act to consolidate and amend the laws relating to the emigration of Native labourers.	Sections one and eighty-four, and schedule A.
XVII of 1864	An Act to constitute an Office of Official Trustee.	Section two.
XXII of 1864.	An Act to make provision for the Administration of Military Cantonments.	Sections two, thirty-seven, and the schedule.
XXIV of 1864	An Act relating to the Administration of certain Districts under the Government of the Lieutenant Governor of the North-Western Provinces.	Section fifteen.
XXVIII of 1864.	An Act to provide for the extension of Act XXI of 1856 (to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal), to the provinces under the control of the Lieutenant Governor of the Punjáb.	Section three.
XI of 1865.	An Act to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original Civil jurisdiction of the High Courts of Judicature.	Section two, from the beginning down to and including the words "Provided that" And from and including the words "and all suits" down to the end of the section.

SCHEDULE—*continued.*

Number and year.	TITLE.	Extent of repeal.
XIII of 1865	An Act to amend the procedure of Her Majesty's High Courts of Judicature in the exercise of their original Criminal jurisdiction, and to provide for the exercise of such jurisdiction at places other than the Presidency Towns.	In section nine, the words "From and after the date on which this Act shall come into operation," and, in sections twenty-two, twenty-three, twenty-four and forty-four, the words "From and after the commencement of this Act," Sections forty-five and forty-six.
XIV of 1865	An Act to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces.	Section twenty-four.
XV of 1865	An Act to define and amend the law relating to Marriage and Divorce among the Parsees.	In section seven, the words "who may be the Registrar appointed under Act XVI of 1864 (*to provide for the registration of assurances.*)" In section fifty-three, the words "shall commence and take effect on the first day of September 1865, and"
XIX of 1865	An Act to define the jurisdiction of the Courts of Judicature of the Panjáb and its Dependencies.	Sections twenty-four and twenty-five.
XX of 1865	An Act to amend the law relating to Pleaders and Mookhtars.	Section three and the first schedule.
IV of 1866	An Act to amend the constitution of the Chief Court of Judicature in the Panjáb and its Dependencies.	Sections fifty-two and fifty-four.
V of 1866	An Act to provide a summary procedure on Bills of Exchange and to amend in certain respects the Commercial Law of British India.	In section two, the words "From and after the first day of May 1866,"
X of 1866	The Indian Companies' Act.	Sections two hundred and nineteen, two hundred and twenty, two hundred and twenty-one and two hundred and twenty-two, and the third schedule.
XI of 1866	An Act to repeal Act No. IV of 1855 (for incorporating for a further period, and for giving further powers to the Assam Company).	The whole.

SCHEDULE—*continued.*

Number and year.	TITLE.	Extent of repeal.
XIV of 1866	The Indian Post Office Act, 1866.	In section one, the words "shall come into operation on the first day of May 1866," And section three.
XX of 1866	The Indian Registration Act, 1866.	Section three and section ninety-eight from the beginning down to and including "notwithstanding," Section one hundred and two.
XXII of 1866	An Act to extend the Indian Marriage Act, 1865, to the Hyderabad Assigned Districts and the Cantonments of Secunderabad, Trimulgerry and Aurungabad.	In section one, the words "From and after the passing of this Act."
XXVI of 1866.	An Act to legalize the rules made by the Chief Commissioner of Oudh for the better determination of certain claims of subordinate proprietors in that Province.	Section two.
XXVII of 1866.	An Act to consolidate and amend the law relating to the conveyance and transfer of property in British India vested in mortgagees and trustees, in cases to which English law is applicable.	Section one.
XII of 1867	An Act to amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras and Bombay.	Section two and the schedule.
XVIII of 1867.	An Act to define the jurisdiction of the Courts of Civil Judicature in the Jhánsi Division.	Section two.
XXIV of 1867.	An Act to consolidate and amend the law relating to the office and duties of Administrator General.	Section two and the schedule.
XXV of 1867	An Act for the regulation of Printing-presses and Newspapers, for the preservation of copies of books printed in British India, and for the registration of such books.	Sections two and twenty-three.
XXXIV of 1867.	An Act to repeal Act No. XIX of 1866 in the places to which the Madras Salt Excise Act, 1867, may be made applicable.	The whole.
XXXV of 1867.	An Act to provide temporary assistance to the Financial Commissioner of the Panjáb.	The whole.
III of 1868	An Act to authorize the Local Government of the Panjáb to invest any person with the powers of an Assistant Commissioner or Tahsíldár.	Section three.
VIII of 1868	An Act for repealing certain enactments which have ceased to be in force or have become unnecessary.	The whole.

SCHEDULE—*continued.*

Number and year.	TITLE.	Extent of repeal.
XI of 1868	An Act to exempt Timber and Woods from Import Duty.	The whole.
XIII of 1868	An Act to exempt the King of Oudh from the jurisdiction of the Civil Courts, and for other purposes.	Section one.
XVI of 1868	An Act to consolidate and amend the law relating to Principal Sadr Amíns, Sadr Amíns and Munsifs in Bengal, and for other purposes.	Section one and the schedule.
XVII of 1868.	An Act to appoint a Commission to enquire into the failure of the Bank of Bombay.	The whole.
XVIII of 1868.	An Act for investing the Commissioner and Assistant Commissioner of the Neilgherry Hills with the powers of a Court of Small Causes.	Section five.
XIX of 1868	An Act to consolidate and amend the law relating to rent in Oudh.	Section two.
XX of 1868	An Act to give validity to the levy of certain duties in Lucknow.	The whole.
XXIII of 1868.	An Act to give validity to certain Abkárí Rules in British Burmah.	In the preamble, the words "and to indemnify all officers, farmers and other persons who have acted under them, or under any such rules previously published or enforced under the same authority" And section two.
XXV of 1868	An Act to define the jurisdiction of the Courts in Coorg.	Section twenty-four.
XXVIII of 1868.	An Act to define and amend the law relating to the tenancy of land in the Panjáb.	Section four.
II of 1869	An Act for the appointment of Justices of the Peace.	Section two and the schedule
III of 1869	An Act for the maintenance of the Rural Police in the North-Western Provinces.	Section two.
V of 1869	The Indian Articles of War ...	Part I, clause (*c*), paragraphs one, two and three.
VI of 1869	An Act to amend the law relating to the Emigration of Native labourers.	Sections ten and eleven.
VII of 1869	An Act to give validity to certain Rules relating to Forests in British Burmah.	In the preamble, the words "and to indemnify the officers and other persons who have acted under them;" Section two.
VIII of 1869	An Act further to amend the Code of Criminal Procedure.	Section two, paragraph one.

SCHEDULE—*concluded.*

Number and year.	TITLE.	Extent of repeal.
XI of 1869	An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidencies of Fort St. George and Bombay.	Section two.
XIV of 1869	An Act to consolidate and amend the law relating to the District and Subordinate Civil Courts in the Presidency of Bombay.	Section two and the schedule.
XVIII of 1869.	An Act for imposing Stamp Duties on certain Instruments.	Section two and the schedule.
XX of 1869	An Act to provide for the good order and discipline of Volunteer Corps, and to invest them with certain powers.	Section three.
XXII of 1869	An Act to remove the Gáro Hills from the jurisdiction of the tribunals established under the General Regulations and Acts, and for other purposes.	Sections two and three.
XXIII of 1869.	An Act to enhance the duties leviable under the Indian Income Tax Act.	The whole.
XXIV of 1869.	An Act to enhance the price of Salt in the Presidency of Fort St. George and the duty on Salt in the Presidency of Bombay.	Section one.
VII of 1870	The Court Fees Act ...	Section two and the third schedule.

STATEMENT OF OBJECTS AND REASONS.

The preparation of a revised edition of the Statutes and Acts in force in British India has been for some time progressing in the Legislative Department. To facilitate the execution of this project, the present Bill (which is framed on the model of 30 & 31 Vic., cap. 59) proposes to remove from the Indian Statute-book, in whole or in part, 198 enactments (16 Statutes, 182 Acts) which have ceased to be in force otherwise than by express repeal. Of these, some are temporary; but their repeal is expedient to preclude doubts as to whether or not they have been continued or revived. Others have become obsolete by change of circumstances, and have thus merely an historical interest. Others have spent their force. Others, lastly, merely repeal prior enactments: but the repeal of this numerous class will greatly relieve the Statute-book, and the provision of the third section of the General Clauses' Act (I of 1868) will prevent the revival of the prior enactments repealed.

J. F. STEPHEN.

The 8th March 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th March 1870, and was referred to a Select Committee with instructions to make their report thereon in a week:—

No. 9 OF 1870.

THE NATIVE PASSENGER SHIPS BILL, 1870.

ARRANGEMENT OF SECTIONS.

Preamble.

CHAPTER I.—*Preliminary.*

SECTION.

1. Short title.
2. Extent of Act.
   Act not to apply to Ships-of-War, &c.
   Or to sea-going Steam Vessels conveying public mails.
3. Repeal of Act.
4. Interpretation-clause.

CHAPTER II.—*Rules as to Native Passenger Ships.*

5. Native Passenger Ship to sail only from Ports appointed by Government.
6. Not to sail without obtaining a certificate.
7. Penalty.
8. Appointment of Officers.
9. Master to give notice of day of sailing, &c.
10. Power to enter and inspect ship.
11. Ship may be surveyed.
12. Officer to be satisfied before giving certificate—
    (1). That the ship is sea-worthy.
    (2). That the space between-decks for passengers is sufficient.
    (3). That the space on the upper deck is sufficient.
    (4). That there is a due supply of provisions.
13. Number of passengers.
14. List of passengers.
15. Ship taking additional passengers and touching at intermediate Port.
16. Penalty for fraudulent alteration in ship after certificate obtained.
17. Information to be transmitted to Ports of embarkation.
18. Report of Consul, &c., to be admissible in evidence.
19. Depositions to be received in evidence when witnesses cannot be produced.
20. Length of voyage to be fixed by proclamation.
21. Quantity of provisions and water to be shipped.
22. Contract by passengers for supply of their own provisions.
23. Penalty on ships bringing excessive number of passengers from certain Foreign Ports to Indian Ports.
24. Bond when ship clears for a Port in Red Sea.
    Bill of health.

CHAPTER III.—*Coasting Steamers.*

25. Certificates to be furnished to Coasting Steam Vessels intended to carry passengers.
26. Certificates to Coasting Steam Vessels how to be granted, &c.

SECTION.

27. Copy of certificate to be placed in conspicuous part of ship.
28. Penalty for excess of number specified in certificate.
29. Penalty for proceeding without certificate.
30. Grant of certificate to be subject to control of Government.

CHAPTER IV.—*Miscellaneous.*

31. Penalty on landing passenger at a place other than that at which he has contracted to land.
32. Passenger's right of action preserved.
33. Adjudication of offences and recovery of penalties.
    Sum ordered to be paid leviable by distress on ship.
34. Jurisdiction.
35. By whom proceedings for penalties to be instituted.
36. Application of penalties.

A Bill for the the regulation of Native Passenger Ships, and of Steam Vessels intended to convey Passengers on coasting voyages.

Preamble.

WHEREAS abuses have occurred in the overcrowding of Ships conveying Native Passengers between Ports and places in India, and Ports and places in the Red Sea or Persian Gulf; and whereas similar abuses have also occurred in the case of Ships commanded or owned by subjects of Her Majesty and conveying Native Passengers between other Ports and places situate east of the Cape of Good Hope, and Ports and places in the Red Sea or Persian Gulf; and whereas it is expedient to prevent such abuses, and to provide for the regulation of all such Ships as aforesaid which shall depart from or arrive at any of the said Ports or places in India, and also for the regulation of Steam Vessels intended to carry passengers on coasting voyages; It is hereby enacted as follows:—

CHAPTER I.—*Preliminary.*

Short title.

1. This Act may be called "The Native Passenger Ships Act, 1870."

Extent of Act.

2. This Act extends to all subjects of Her Majesty whether within British India or within the dominions of Princes and States in India in alliance with Her Majesty, and to all persons being Native Indian subjects of Her Majesty without and beyond British India.

Act not to apply to Ships-of-War, &c.

Nothing in this Act applies to any Ship-of-War or Transport belonging to or in the service of Her Majesty or to any Ship-of-War belonging to any Foreign Prince or State, or to any Ship under contract with the Government of any European State, or to any sea-going Steam Vessel regularly employed in the conveyance of the public mails under a contract.

Or to sea-going Steam Vessels conveying public mails.

Repeal of Act.

3. Act No. XXI of 1858 *(for the regulation of Native Passenger Ships, and of Steam Vessels intended to convey Passengers on coasting voyages)* is hereby repealed.

Interpretation-clause.

4. In this Act—

"Magistrate."

The word "Magistrate" means a person exercising powers not inferior to those of a Subordinate Magistrate of the first class, and includes a Justice of the Peace, and, at the Port of Aden, the Political Resident and his Assistant:

"Local Government."

The words "Local Government" mean the person or persons for the time being immediately administering the Executive Government of the territories where the Port or place in question is situate:

"Master."

The word "Master" includes every person having command or charge of a Ship or Steam Vessel:

"Native Passenger Ship."

The words "Native Passenger Ship" mean a vessel carrying more than thirty passengers being natives of Asia or Africa, which may depart or proceed on any voyage from a Port or place in British India or in the said dominions to any Port or place in the Red Sea or Persian Gulf, or which may arrive at any Port or place within British India or the said dominions from any Port or place in the Red Sea or Persian Gulf, having on board more than thirty such passengers.

CHAPTER II.—*Rules as to Native Passenger Ships.*

Native Passenger Ship to sail only from Ports appointed by Government.

5. No Native Passenger Ship shall depart or proceed upon any voyage to which this Act extends from any Port or place within British India or the said dominions other than such Ports and places as the Local Government may from time to time appoint; and after any Native Passenger Ship has departed or proceeded upon any such voyage from a Port or place so to be appointed, no person whatsoever shall be received on board as a passenger, except at some other duly appointed Port or place.

Not to sail without obtaining a certificate.

6. No Native Passenger Ship shall depart or proceed upon any such voyage from any Port or place appointed under this Act, until the Master shall have obtained a certificate from an officer authorized to grant the same.

Penalty.

7. If any Native Passenger Ship departs or proceeds upon a voyage from any Port or place within British India or the said dominions,

or if any person is received as a passenger on board a Native Passenger Ship in contravention of the provisions of section five or section six,

the Owner or Master shall, for every passenger conveyed on a Ship unlawfully departing or proceeding on such voyage, or for every passenger unlawfully received on board, be liable to a penalty not exceeding one hundred rupees, or to imprisonment not exceeding one month, or to both;

and the Ship, if found within two years in any place within British India, may be seized and detained by any Chief Officer of Customs until the penalties incurred under this Act have been adjudicated, and the payment thereof, with all costs, has been enforced under the provisions of section thirty-three.

Appointment of officers.

8. Within British India, the Local Government shall appoint such persons as it may deem proper to exercise or perform the powers and duties conferred and imposed by this Act.

Master to give notice of day of sailing, &c.

9. The Master of any Native Passenger Ship sailing from any Port or place appointed under this Act, shall give notice to the proper officer that the Ship is to carry Native Passengers, and of her destination, and of the proposed day of sailing; such notice shall be given not less than three days before the proposed day of sailing.

Power to enter and inspect Ship.

10. After receiving such notice, the officer aforesaid, or any person authorized by him, shall be at liberty at all times to enter and inspect the Ship and the fittings, provisions, and stores therein; and any person impeding or refusing to allow such inspection shall be liable, on conviction, to a fine not exceeding five hundred rupees for each offence, or to imprisonment for a term not exceeding three months, or to both.

Ship may be surveyed.

11. The officer aforesaid may, if he think fit, cause the Ship to be surveyed at the expense of the Master by a competent surveyor, who shall report whether the Ship is, in his opinion, sea-worthy and fit for her intended voyage.

Officer to be satisfied before giving certificate.

12. The officer aforesaid shall not give his certificate, unless he shall be satisfied—

That the Ship is sea-worthy.

(1). That the Ship is sea-worthy and properly manned, equipped, fitted, and ventilated; and has not on board any cargo likely, from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers.

That the space between-decks for passengers is sufficient.

(2). That the space appropriated to the passengers in the between-decks contains at the least twelve superficial and seventy-two cubical feet of space for every adult passenger on board, that is to say, for every passenger above twelve years of age, and for every two passengers between the ages of one year and twelve years.

That the space on the upper deck is sufficient.

(3). That a space of four superficial feet per adult is left clear on the upper deck for the use of the passengers.

That there is a due supply of provisions.

(4). That provisions, fuel, and water have been placed on board, of good quality, properly packed, and sufficient to supply the passengers on board during the declared duration of the intended voyage, according to the scale hereinafter contained.

Number of passengers.

13. No such Ship shall carry any greater number of passengers than, together with the Master and crew, shall amount to the proportion of two persons for every three tons of the registered or estimated tonnage of the Ship.

List of passengers.

14. The Master of any such Ship, before departing or proceeding on any such voyage from any Port or place in British India, shall sign two lists,

specifying (as accurately as may be) the names of all the passengers, and stating the number of the crew; and shall deliver them to the officer aforesaid, who shall thereupon (after having first mustered the passengers and compared the number and names of such passengers with the lists) countersign and return to the Master one of such lists.

The Master shall note in writing on such last-mentioned list, and on any additional list to be made under this Act, the date and supposed cause of death of any passenger who may die on the voyage, and shall forthwith, on the arrival of the Ship at her destination or at any Port within the said local extent of this Act at which it may be proposed to land passengers and before any passengers are landed, produce the list, with any additions thereto made, to any person lawfully exercising Consular authority on behalf of Her Majesty at the Port of arrival if it be a Foreign Port, or to the Chief Officer of Customs, or the officer (if any) appointed under this Act, at any Port or place within the said local extent at which it shall be intended to land the passengers or any of them.

In case of non-compliance with any of the requirements of this section on the part of the Master, or if any false entry be wilfully made in any such list, the Master shall be liable to a fine not exceeding five hundred rupees for each offence, or to imprisonment for a term not exceeding three months, or to both.

Ship taking additional passengers and touching at intermediate Port.

15. If, after the Ship shall have departed or proceeded on any such voyage, any additional passengers are taken on board at a Port or place within British India or the said dominions, appointed under this Act for the embarkation of passengers, or if such Ship shall, upon her voyage, touch or arrive at any such Port, having previously received on board additional passengers at any place beyond the said local extent, the Master shall obtain a fresh certificate from the officer at such Port, and shall make lists of all such additional passengers; and all the provisions hereinbefore contained in that behalf shall be applicable to any certificate granted or list made under this section.

In case the Master fail to obtain any such fresh certificate, or to make any such list of additional passengers, he shall be liable to a fine not exceeding five hundred rupees, or to imprisonment for a term not exceeding three months, or to both.

Penalty for fraudulent alteration in Ship after certificate obtained.

16. If any Master of a Ship, after having obtained a certificate under section six or section fifteen of this Act, shall fraudulently do or suffer to be done any act or thing whereby such certificate shall become inapplicable to the altered state of the Ship, its passengers, or other matters to which such certificate relates, he shall be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

Information to be transmitted to Ports of embarkation.

17. The Chief Officer of Customs, or the officer (if any) appointed under this Act, at any Port or place within British India at which the Ship shall touch or arrive, shall, with advertence to the requirements of this Act, transmit any particulars which he may deem important respecting the Ship and the passengers conveyed therein, to the officer at the Port from which the Ship commenced her voyage, and also to the officer at any other Port within the local extent of this Act where the passengers or any of them embarked.

Report of Consul, &c., to be admissible in evidence.

18. In any proceeding for the adjudication of any penalty incurred under this Act, any document purporting to be a report of such particulars as are referred to in the last preceding section, or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising Consular authority on behalf of Her Majesty in any Foreign Port, shall be received in evidence, if the same appears to have been officially transmitted to any officer at or near the place where the proceeding under this Act is had.

Depositions to be received in evidence when witnesses cannot be produced.

19. Whenever, in the course of any legal proceeding instituted under this Act at any Port or place in British India, the testimony of any witness is required in relation to the subject-matter of such proceeding, any deposition that such witness may have previously made in relation to the same subject-matter before any Justice or Magistrate in Her Majesty's dominions (*including* all parts of India other than those subject to the same Local Government as the Port or place where such proceedings are instituted) or any British Consular Officer elsewhere, shall, if authenticated by the signature of the Justice, Magistrate or Consular Officer, be admissible in evidence on due proof that such witness cannot be found within the jurisdiction of the Court in which such proceedings are instituted:

Provided that, if the proceeding is criminal, such deposition shall not be admissible unless it was made in the presence of the person accused, and the fact that it was so made is certified by the Justice, Magistrate, or Consular Officer.

It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition; and in any criminal proceeding, such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

Length of voyage to be fixed by proclamation.

20. Within British India, the Local Government may, by any proclamation to be from time to time issued for that purpose and published in the Government Gazette (if any), or in one of the public newspapers, declare what shall be deemed, for the purposes of this Act, the duration of the voyage of any Native Passenger Ship from any Port or place in British India or the said dominions to any other Port or place.

Quantity of provisions and water to be shipped.

21. Every Native Passenger Ship, at the time of departure from the Port or place at which passengers shall be embarked under this Act, shall have on board good and wholesome provisions for the use and consumption of the passengers, over and above the victualling of the crew, to the amount or in the proportion following, that is to say, a supply of water to the amount of five gallons to every week of the computed voyage for every passenger on board, such water being carried in tanks or sweet casks, and a supply of rice, flour, oatmeal, or bread-stuffs to the amount of seven pounds weight to every week of the computed voyage for every such passenger;

Provided that, when any such Ship shall be destined to call at a Port or place in the course of her voyage for the purpose of filling up her water-casks, a supply of water at the rate before mentioned for every week of an average voyage to such Port or place of calling, shall be deemed to be a compliance with this Act.

The provision of this section regarding food shall be deemed to have been complied with in any case where it shall appear that, by the special authority of the Local Government, any other articles of food were substituted for the articles above enumerated as being equivalent thereto.

Contract by passengers for supply of their own provisions.

22. The requirements of this Act respecting the supply of provisions for passengers shall not, except as to the supply of water, be applicable to any passenger who may have contracted to furnish his own provisions.

Penalty on Ships bringing excessive number of passengers from certain Foreign Ports to Indian Ports.

23. If any Ship, bringing passengers from any Port or place east of the Cape of Good Hope and not within British India or the said dominions to any Port or place within British India or the said dominions, shall have on board a greater number of passengers or persons than in the proportion prescribed by this Act, the Master of such Ship shall, in addition to any other penalty which he may have incurred under the provisions of this Act, be liable, on conviction, for each person in excess of such proportion to a fine not exceeding fifty rupees, or to imprisonment not exceeding one month, or to both.

Bond when Ship clears for a port in Red Sea.

24. In the case of every Native Passenger Ship sailing from any Port within British India to any Port in the Red Sea, the officer whose duty it is to grant a port-clearance for any such Ship, shall not grant such clearance unless and until the Owner, Agent or Master of such Ship and two sureties resident in British India shall, by a joint and several bond, have become bound unto the Secretary of State for India in Council in the penal sum of rupees five thousand, conditioned to be void if the said Ship touches at Aden and does not leave that Port without having obtained from the proper authority a clean bill of health.

Bill of health.

Such bill of health shall not be granted in case the Ship has on board a greater number of passengers or persons than in the proportion prescribed by this Act.

CHAPTER III.—*Coasting Steamers.*

Certificates to be furnished to coasting Steam Vessels intended to carry passengers.

25. Steam Vessels intended to carry passengers on coasting voyages from or to any Port or place within British India, shall, before proceeding on such voyages, be furnished with certificates to be granted in manner hereinafter provided.

Certificates to coasting Steam Vessels how to be granted, &c.

26. Every such certificate shall be granted at the discretion of an officer authorized by the Local Government to grant the same, and shall remain in force for the period therein specified, unless sooner revoked.

The officer so authorized shall not grant such certificate, or suffer the same to remain in force, unless he is satisfied, by inspection or survey (to be made at least twice in each year at the expense of the Master or Owner, and upon payment of a fee not exceeding twenty rupees), that such Steam Vessel is sea-worthy and properly equipped with boats and otherwise, and that the engines and machinery are in a fit state to enable her to proceed on her voyage.

The certificate shall state the limits (if any) within which the Vessel is to ply, and the number of Native Passengers which the Vessel is permitted to carry: such number to be subject to such conditions and variations according to the time of year, the nature of the voyage, and the cargo carried, as the case requires.

Copy of certificate to be placed in conspicuous part of Ship.

27. The Owner or Master of any such Steam Vessel shall put up in a conspicuous part of the Ship, so as to be visible to persons on board the same, a copy of the said certificate, and shall cause it to be continued in such position so long as the certificate remains in force; and in default, such Owner or Master shall, for each offence, be liable to a fine not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

Penalty for excess of number specified in certificate.

28. If such Steam Vessel has on board thereof any number of passengers which, having regard to the time of the year and other circumstances, is greater than the number allowed by the certificate, the Owner or Master shall, for every passenger over and above the number allowed by the certificate, be liable to a fine not exceeding twenty rupees, or to imprisonment not exceeding one week, or to both.

Penalty for proceeding without certificate.

29. If any such Steam Vessel shall proceed on any such voyage without such certificate as aforesaid, the Owner or Master shall be liable to a fine not exceeding five hundred rupees, or to imprisonment for any term not exceeding three months, or to both.

Grant of certificate to be subject to control of Government.

30. In the grant or revocation of any certificate whatsoever under this Act, the officer granting the same shall be subject to the control of the Local Government or of any intermediate authority which that Government may appoint.

CHAPTER IV.—*Miscellaneous.*

Penalty on landing passenger at a place other than that at which he has contracted to land.

31. If any Native passenger in any Ship shall be landed at any Port or place other than the Port or place at which he may have contracted to land, unless with his previous consent, or unless such landing is made necessary by perils of the sea or other unavoidable accident,

the Master shall, for each offence, be liable to a penalty not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

32. Nothing in this Act contained shall take away or abridge any right of action which may accrue to any Native passenger, or to any other person, in respect of the breach or non-performance of any contract made with the Master or Owner of the Ship or his Agent.

Passenger's right of action preserved.

33. All offences against this Act shall be punishable in a summary manner by a Magistrate.

Adjudication of offences and recovery of penalties.

If the person directed to pay any penalty is the Master or Owner of a Ship, and the same is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the means prescribed by law for enforcing payment, direct by warrant the amount remaining unpaid to be levied by distress and sale of the said Ship, her tackle, furniture, and apparel.

Sum ordered to be paid leviable by distress on Ship.

34. For the purpose of the adjudication of penalties under this Act, every offence hereunder shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

Jurisdiction.

35. The penalties to which Masters and Owners of Ships are liable by this Act, shall be enforced only by information laid at the instance of the officers appointed to grant certificates under this Act; or, at any Port or place where there is no such officer, by the Chief Officer of Customs.

By whom proceedings for penalties to be instituted.

36. Any Magistrate imposing any penalties under this Act may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or in or towards payment of the expenses of the proceedings.

Application of penalties.

STATEMENT OF OBJECTS AND REASONS.

Act XXI of 1858 has been found insufficient to prevent the overcrowding of ships conveying Native passengers to ports in the Red Sea and the Persian Gulf. It does not apply to ships unless they sail from or touch at ports in British India. The penalties provided for Masters breaking its rules are merely pecuniary, and, in cases of prosecutions under the Act, depositions taken by Consuls in foreign ports are not admissible in evidence. The present Bill accordingly proposes to repeal that Act and to re-enact it with the following amendments:—

(1). The measure is expressly applied to all subjects of Her Majesty, whether within British India or within the dominions of Princes and States in India in alliance with Her Majesty, to all Native Indian subjects of the Queen wherever they are (see 32 & 33 Vic., c. 98, section 1), and to all ports and places whether in British India or the said dominions.

(2). Masters violating its provisions will, in all cases, be liable to imprisonment as well as to fine.

(3). In prosecutions under the proposed Act, when witnesses cannot be produced, their depositions taken by Consuls in foreign ports are admissible, provided they have been made in the presence of the accused and authenticated by the Consul's signature.

The opportunity has been taken of introducing a section (24) providing that every Native Passenger Ship sailing to any port in the Red Sea shall touch at Aden, and shall not leave that port without a clean bill of health. Such bill will not be granted where the passengers on board exceed the number prescribed by the Act.

F. S. CHAPMAN.

The 7th March 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MARCH 26, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 11th March 1870, and was referred to a Select Committee with instructions to make their report thereon in a fortnight:—

No. 7 OF 1870.

THE INDIAN WEIGHTS AND MEASURES BILL, 1870.

CONTENTS.

SECTION.

I.—Preliminary.

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2. Standard of Weight.
3. Standard of Length.
4. Units of Weight and Measurement.
5. Special Weights and Measures to be authorized.
6. Sets of standards to be provided.
7. Local standards to be provided.
8. Districts how defined.
   Sub-districts how defined.

III.—Use of new Weights and Measures.

9. Use of new Weights and Measures in Government offices.
10. General use of new Weights.
11. Operation of penalties.
12. Penalty for sale of articles not verified.
13. Penalty for use of authorized Weights not verified, but correct.
14. Penalty for use of Weights not authorized and not correct.
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16. Appointment of Wardens.
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18. May refuse to verify or correct things unfit.
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22. Search for Weights not verified or not correct.

V.—Miscellaneous.

23. Power to make rules.
    Publication of rules.
24. Recovery of fees.
25. Tables of equivalents.
26. Convictions how limited.

A Bill to regulate the Weights and Measures of British India.

WHEREAS it is expedient to provide for the ultimate adoption of an uniform system of Weights and Measures in all parts of British India; It is hereby enacted as follows:—

Preamble.

I.—Preliminary.

1. This Act may be called "The Indian Weights and Measures Act, 1870," and shall extend to all parts of British India.

Short title and extent.

II.—Standards.

Standard of Weight.

2. The primary standard of Weight shall be a Ser equal to a Weight of 2·20462125 British Pounds Avoirdupois which is equal to the kilogram known in France as the Kilogramme des Archives.

Standard of length.

3. The primary standard of length shall be a metre equal to a length of 39·37079 British Inches which is equal to the metre known in France as the Mètre des Archives.

Units of Weight and Measurement.

4. The Units of Weight and Measurement shall be;

for Weights, the said Ser:

for Measures of Capacity, a measure containing one such Ser of water at its maximum density, and being equal to 0·2202443 of a British Gallon,

for Measures of Length, the said metre,

for Measures of Area, the square metre,

for Measures of Solidity, the cubic metre.

Special Weights and Measures to be authorized.

5. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, declare the magnitude and denominations of the Weights and Measures, other than the said units, to be authorized under this Act, provided that every such Weight or Measure shall be an integral multiple or integral sub-multiple of one of the units aforesaid, and may, in like manner, revoke such notification.

Unless it shall otherwise be ordered in any such notification, the sub-divisions of all such Weights and Measures shall be expressed in decimal parts.

Sets of standards to be provided.

6. There shall be provided, in such manner and for such districts as the Governor General in Council shall direct, suitable primary standards and sets of the said authorized Weights and Measures which shall, for the purposes of this Act, be deemed the standards for such districts.

Local standards to be provided.

7. There shall be provided, in such manner and for such sub-districts as the Local Government shall direct, copies of such of the said authorized Weights and Measures as shall be necessary to serve as local standards in such sub-districts. Such local standards shall be deemed to be correct until declared to be otherwise by the proper authority.

Districts how defined.

8. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, define the limits of the aforesaid districts.

Sub-districts how defined.

The Local Government may, from time to time, by notification in the official Gazette, define the limits of the aforesaid sub-districts.

III.—Use of new Weights and Measures.

Use of new Weights and Measures in Government offices.

9. Whenever the Governor General in Council considers that suitable standard Weights and Measures have been made available for use by any Government or Municipal office or department or any Railway Company, the Governor General in Council may, by notification in the official Gazette, direct that, after a date to be named therein, all or any of the Weights and Measures authorized as aforesaid shall be used in all dealings and contracts by such office, department or company.

General use of new Weights.

10. The Governor General in Council, or the Local Government, with the previous assent of the Governor General in Council, may, by notification in the official Gazette, direct that, after a date to be named therein, all or any of the Weights authorized as aforesaid shall be used in the dealings and contracts of the persons exercising any specified occupation or trade in any district or sub-district.

The said Governor General in Council or Local Government, as the case may be, may, in like manner, from time to time, alter or revoke the orders contained in any such notification.

Provided that no such notification shall issue, until suitable standard Weights have been provided for such district, or sub-district, nor until the Governor General in Council or the Local Government, as the case may be, shall have been satisfied after a public local enquiry held in such district, or sub-district, that the obligatory introduction of the said Weights is expedient.

Operation of penalties.

11. The Governor General in Council or the Local Government, with the previous assent of the Governor General in Council, may, by notification in the official Gazette, declare the date after which all or any of the provisions of sections twelve, thirteen, fourteen and fifteen shall come into operation in respect to any district or sub-district; and otherwise than as aforesaid the said sections shall be of no effect.

Penalty for sale of articles not verified.

12. Whoever sells any Weight, Weighing Machine or Measure, purporting to indicate any Weight or Measure authorized under this Act, or any Balance, which shall not respectively have been duly verified, shall, to the extent declared under section eleven, be liable to a fine not exceeding five rupees for every such Weight, Weighing Machine, Measure or Balance so sold.

Penalty for use of authorized Weights not verified, but correct.

13. Whoever uses or has in his possession for purposes of trade or business, any Weight or Weighing Machine purporting to indicate any Weight authorized under this Act, or any Balance, which, being correct and in conformity with the requirements of this Act, shall not respectively have been duly verified, shall, to the extent declared under section eleven, be liable to a fine not exceeding five rupees for every such thing so used, or so had in possession.

Penalty for use of Weights not authorised and not correct.

14. Whoever uses or has in his possession for purposes of trade or business any Weight other than a Weight directed to be used under section ten, or any Machine for the purpose of indicating any Weight other than as aforesaid, or

any Weight, or Weighing Machine, purporting to indicate any Weight authorized under this Act, or any Balance, which, not being respectively duly verified, is not correct, or not in conformity with the requirements of this Act,

shall, to the extent declared under section eleven, be liable to a fine not exceeding ten rupees for every such offence.

Periodical verification of Weights and Measures.

15. All Government or municipal officers, and all persons engaged in occupations or trades shall, so far as they shall be required by the rules under section twenty-three, submit for verification by a Warden the Weights, Weighing Machines and Measures, used by them under the provision of section nine or ten, or the Balances used by them, at such times not oftener than once in two years, and pay for such verification the proper fee, as the said rules shall prescribe, failing which every such person shall, to the extent declared under section eleven, be liable to a fine not exceeding fifty rupees for every such offence.

IV.—Wardens.

Appointment of Wardens.

16. The Governor General in Council or the Local Government, as the case may require, shall appoint Wardens for the custody of the said standards and sets of authorized Weights and Measures, and local standards, and for the inspection and verification of Weights, Weighing Machines, Measures and Balances.

The Governor General in Council or the Local Government, as the case may be, may at any time suspend or remove any such Warden and appoint another person in his stead.

Warden to verify and correct Weights, Measures and Balances.

17. The Warden shall verify, and shall, if so required, correct all Weights, Weighing Machines, and Measures, purporting to indicate Weights or Measures authorized under this Act, and Balances brought to him for verification or correction, which shall appear to him fit for verification and correction. When they are correct and in conformity with the requirements of this Act, he shall certify the same with the proper mark.

May refuse to verify or correct things unfit.

18. The Warden may deface or render incapable of use, or refuse to verify, correct, or mark anything brought to him for verification or correction under section seventeen which shall appear to him unfit for verification or correction.

Importation of Weights and Measures into British India.

19. Weights, Weighing Machines and Measures, purporting to indicate any Weight or Measure authorized under this Act, and Balances imported into British India but not verified in conformity with the rules prescribed under section twenty-three, may be detained by the officers of Customs and taken to the Warden for verification at the cost of the importer thereof.

Prosecutions.

20. No prosecutions under this Act shall be instituted excepting by a Warden.

Disposal of things in respect to which convictions take place.

21. A Magistrate convicting any person under section twelve, thirteen, fourteen or fifteen of this Act, or under Chapter XIII of the Indian Penal Code (*of offences relating to weighing and measuring*) may order the thing, in respect to which the conviction took place, to be brought before a Warden, to be dealt with under the provisions of section seventeen. Provided that, if the Magistrate shall consider such thing to be unfit for verification or correction, he may cause it to be defaced or rendered incapable of use.

Search for Weights not verified or not correct.

22. Any officer in charge of a police-station may, on the application of a Warden, exercise the powers described in section 129 of the Code of Criminal Procedure for the purpose of inspecting, searching for, and seizing Weights, Weighing Machines, Measures and Balances kept for use under the provisions of section nine or ten, in the dealings or contracts of any Government or municipal office or department, or any person exercising an occupation or trade, specified as being subject to inspection by the rules aforesaid, which shall not be duly verified, correct or in conformity with the requirements of this Act as though such things had been false Weights.

V.—Miscellaneous.

Power to make rules.

23. The Governor General in Council may from time to time make rules consistent with this Act for regulating the following matters:—

(*a*). The appointment of Wardens;

(*b*). The guidance of Wardens in all matters connected with the performance of their duties;

(*c*). The provision, custody and use of the standards;

(*d*). The method of verifying Local Standards, and Weights, Weighing Machines, and Measures authorized under this Act, and Balances, and of certifying such verification;

(*e*). The errors which may be tolerated in Weights, Weighing Machines, and Measures authorized under this Act and Balances;

(*f*). The shapes, proportions and dimensions to be given to Weights, Weighing Machines, and Measures authorized under this Act, and Balances, and the materials of which they may be made;

(*g*). The marking on Weights and Measures authorized under this Act, of their several denominations;

(*h*). The conditions under which Government and municipal offices or departments, and persons exercising occupations or trades, shall be subject to inspection and verification of the Weights, Weighing Machines, and Measures authorized under this Act, and Balances used or sold by them;

(*i*). The amount of the fees to be paid for verifying, correcting and certifying the verification of Weights, Weighing Machines, and Measures authorized under this Act, and Balances.

Such rules shall be published in the *Gazette of India*, and the Governor General in Council, or the Local Government with the previous assent of the Governor General in Council, may, by notification in the official Gazette, declare that, after a day to be named therein, all or any of the said rules shall come into operation in respect of any government or municipal office or department, or of any railway company, or of the persons exercising any specified occupation or trade, in any district or sub-district, and thereupon to the extent specified in such notification, the said rules or any of them shall have the force of law.

Publication of rules.

24. Fees payable under this Act shall be recoverable as though they were fines.

Recovery of fees.

25. The Local Government may, from time to time, prepare tables of the equivalents of Weights and Measures other than those authorized under this Act in terms of the Weights and Measures so authorized, and the equivalents so stated, after notification in the official Gazette, shall be deemed the true equivalents.

Tables of equivalents.

26. No person shall be convicted under section thirteen or fourteen unless the Warden shall have proved that Weights authorized under this Act were publicly offered for sale and procurable at a reasonable price in the district or sub-district in which the offence was committed, and at or immediately before the time when the offence was committed.

Convictions how limited.

STATEMENT OF OBJECTS AND REASONS.

The object of the present Bill is to give effect to the conclusions that have recently been adopted by the Governor General in Council, and concurred in by the Secretary of State, as to the steps to be taken for reforming the Weights and Measures of British India.

These conclusions are contained in the following extract of a despatch from the Government of India to the Secretary of State:—

Home Department, No. 163, dated 6th November 1868, paragraph 11.

"We therefore consider that the new unit of weight should be a sér equal to the kilogramme, or 2·205 lbs. avoirdupois, and

that a system of decimal multiples and sub-divisions of the unit of weight should be accepted as a fundamental part of the new scale to be recognized by law. We are, however, of opinion, for the reasons stated by Mr. Strachey in his Minute, that other multiples and sub-divisions should not be prohibited wherever their continued use appears to be demanded on considerations of present convenience and expediency, and

that while it is desirable that the new system of weights should be brought into general use as speedily as possible, it should not be forced on any class of the community until such class is to some extent prepared to accept it. The best preparation for the general adoption of the new weights will undoubtedly be their introduction and authoritative use in the public departments of the Government, which are so widely scattered over the whole of the country.

"We therefore propose

that the new unit of weight, with a system of decimal multiples and sub-divisions, should be authoritatively adopted in all departments of the Government, by all municipal bodies, and on the railways, as soon as practical convenience will admit."

In an earlier part of the same despatch, the following remarks were made as to the reasons that led the Government of India to the conclusion that immediate measures of reform were needed:—

"The perusal of the voluminous papers which are now before us, has satisfied us that an immediate reform of Indian weights and measures is urgently required. On this point there is no difference of opinion among all the authorities that have been consulted.

"The existing diversity of weights and measures in this country is a most serious evil, and reform is needed, as observed by our hon'ble colleague, His Excellency the Commander-in-Chief, not only to facilitate and simplify commercial operations, but also as an essential preliminary towards the suppression of the fraudulent practices which are now so common among retail dealers."

The whole of the documents, on the consideration of which the Government of India adopted these views, were published in the *Gazette of India* on the 18th February 1869, and in that collection of papers will be found at length the arguments which led the Governor General in Council to the conclusion that it was not expedient to introduce the weights of Great Britain in India, and that the unit of the metrical system was more suitable, and should be preferred.

It is apparent that the introduction of uniform weights and measures into a country so large as British India, and having a population so little educated, must be a task of much difficulty, and must in practice be spread over a considerable period of time. Every step in the change must be carefully watched, and great freedom of action must be permitted to the Government to prevent serious inconveniences.

The Bill proposes to declare what shall be the new standards and units of weight and length that are eventually to be adopted. The executive Government is to be empowered to frame scales of weights and measures based on these new standards and units, which are to be regarded as the authorized weights and measures of India.

But although the new authorized weights and measures will thus be defined, their use will only be made obligatory by specific orders of the executive Government, and then only under certain limitations.

The use of the new weights and measures may be made obligatory on Government departments, and municipal offices, and railway companies, when the Government is satisfied that proper standards are made available for the use of these departments, offices and companies. Of course it will also be an essential preliminary that the new weights and measures shall be provided for use before any of them are introduced.

For the community generally, no power is taken to make obligatory the use of the new measures, but only of the new weights. Further,

the general obligatory use of the new weights in any locality can only be required when the Government has been satisfied, after a public local enquiry, that introduction of the new weights is expedient. It will necessarily be an essential point in such an enquiry to ascertain that the locality is furnished with the means of providing the new weights to all persons who will be compelled to use them, and it will therefore be obligatory on the Government to see that a sufficient supply of the new weights is available for sale before the compulsory powers given are carried into effect.

Experience shows that, to ensure proper regularity and accuracy in the weights and measures of any country, a system of verification and inspection is necessary. To carry out these duties, officers are to be appointed, to be termed wardens, and to these only is to be entrusted the power of putting in force the penalties imposed under the new law.

These penalties will only take effect after they have been specially made applicable in any locality. They provide small fines for selling or using the new authorized weights when correct, unless they have been verified, and somewhat higher fines for using incorrect unverified weights of the authorized description, or unauthorized weights after the compulsory use of the new weights has come into operation, as well as for neglecting to submit weights for periodical verification.

Powers are proposed to be given to the Governor General in Council to make rules to regulate various details of administration relating to the system under which weights and measures are verified. Such rules have been universally found to be necessary. In England, they are supplied by a large number of legal enactments, but in other countries it has been thought better to leave such matters to the executive Government, and this course it is proposed to follow for India.

R. STRACHEY.

The 7th March 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th March 1870, and was referred to a Select Committee with instructions to make their report thereon in a fortnight:—

No. 8 OF 1870.

A Bill for repealing certain enactments which have ceased to be in force, or have become unnecessary.

WHEREAS it is expedient that certain enactments (mentioned in the schedule to this Act) which have ceased to be in force otherwise than by express and specific repeal, or have by lapse of time and change of circumstances become unnecessary, or which merely repeal prior enactments, should be expressly and specifically repealed; It is hereby enacted as follows:—

Preamble.

1. The enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of the same schedule:

Enactments in schedule repealed.

Provided that the repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to:

And this Act shall not affect the validity or invalidity of anything already done or suffered, or any right or title already acquired, or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing:

Nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized, or derived by, in or from, any enactment hereby repealed:

Nor shall this Act provide or restore any jurisdiction, office, usage, custom, privilege, restriction, exemption, usage or practice not now existing, or in force.

2. This Act may be called "The Repealing Act, 1870."

Short title.

SCHEDULE.

PART I.—STATUTES.

Year and chapter.	TITLE.	Extent of repeal.
13 Geo. III, cap. lxiii.	An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe.	Sections sixteen, nineteen, twenty, twenty-seven, twenty-eight, twenty-nine, thirty-one, thirty-three, thirty-six, thirty-eight from the words "and for that purpose" to the end of the section.

SCHEDULE—*continued.*

Year and chapter.	TITLE.	Extent of repeal.
21 Geo. III, cap. lxx.	An Act to explain and amend so much of an Act, made in the thirteenth year of the reign of his present Majesty, intituled, An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe, as relates to the administration of justice in Bengal; and for the relief of certain persons imprisoned at Calcutta in Bengal, under a judgment of the Supreme Court of Judicature; and also for indemnifying the Governor General and Council of Bengal, and all officers who have acted under their orders or authority, in the undue resistance made to the process of the Supreme Court.	Sections nine to sixteen (both inclusive), sections nineteen to twenty-six (both inclusive).
33 Geo. III, cap. lii.	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with their exclusive trade, under certain limitations; for establishing further regulations for the Government of the said territories, and the better administration of justice within the same; for appropriating to certain uses the revenues and profits of the said Company; and for making provision for the good order and Government of the towns of Calcutta, Madras and Bombay.	Sections sixty-one, one hundred and thirty-seven from and including the words "nor shall it be lawful for any of His Majesty's subjects" to the end of the section, one hundred and fifty-five, one hundred and fifty-nine.
37 Geo. III, cap. cxlii.	An Act for the better administration of justice at Calcutta, Madras and Bombay; and for preventing British subjects from being concerned in loans to the Native Princes in India.	Sections four to eight (both inclusive), sections fifteen, seventeen to twenty-six (both inclusive), section thirty.
39 & 40 Geo. III, cap. lxxix.	An Act for establishing further regulations for the Government of the British territories in India, and the administration of justice within the same.	Sections four, six, eight, ten, eleven, seventeen, eighteen, nineteen, twenty-one, twenty-two, twenty-three, twenty-four.
53 Geo. III, cap. clv.	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the Government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's Charter.	Sections ninety-eight, ninety-nine, one hundred and one, one hundred and four, one hundred and eight, one hundred and nine, one hundred and thirteen, one hundred and twenty-two.
54 Geo. III, cap. cv.	An Act to remove doubt as to the Duties and Taxes heretofore imposed and levied under the authority of the several Governments in the East Indies.	The whole.

SCHEDULE—*continued.*

Year and chapter.	TITLE.	Extent of repeal.
55 Geo. III, cap. lxxxiv.	An Act to amend so much of an Act of the thirty-third year of His present Majesty, as relates to fixing the limits of the Towns of Calcutta, Madras and Bombay; and also so much of an Act of the thirty-ninth and fortieth year of His present Majesty, as relates to granting Letters of Administration to the effects of persons dying intestate within the several Presidencies in the East Indies, to the Registrar of the Ecclesiastical Courts; and to enable the Governor in Council of the said Presidencies to remove persons not being British subjects; and to make provision for the Judges in the East Indies in certain cases.	The whole.
4 Geo. IV, cap. lxxi.	An Act for defraying the charge of retiring pay, pensions and other expenses of that nature, of His Majesty's Forces serving in India; for establishing the pensions of the Bishop, Archdeacons and Judges; for regulating Ordinations; and for establishing a Court of Judicature at Bombay.	Sections eight nine, ten fourteen.
5 Geo. IV, cap. cviii.	An Act for transferring to the East India Company certain possessions newly acquired in the East Indies, and for authorizing the removal of convicts from Sumatra.	Section two.
6 Geo. IV, cap. lxxxv.	An Act for further regulating the payment of the salaries and pensions to the Judges of His Majesty's Courts in India, and the Bishop of Calcutta; for authorizing the transportation of offenders from the Island of Saint Helena; and for more effectually providing for the administration of Justice in Singapore and Malacca, and certain Colonies on the Coast of Coromandel.	Section six.
7 Geo. IV, cap. xxxvii.	An Act to regulate the appointment of juries in the East Indies.	The whole.
9 Geo. IV, cap. xxxiii.	An Act to declare and settle the law respecting the liability of the real estates of British subjects and others, situate within the jurisdiction of His Majesty's Supreme Courts in India, as assets in the hands of executors and administrators, to the payment of the debts of their deceased owners.	The whole.
11 Geo. IV. & 1 Wm. IV, cap. lxxv.	An Act for the relief of the sufferers by the insolvency of Gilbert Ricketts, Esquire, formerly Registrar of the Supreme Court of Judicature at Madras.	The whole.
5 & 6 Wm. IV, cap. vi.	An Act to indemnify the Governor General and other persons in respect of certain acts done in the administration of the Government of the British Territories in the East Indies subsequent to the twenty-second day of April One thousand eight hundred and thirty-four, and to make those Acts valid.	The whole Act so far as it relates to British India.
11 & 12 Vic., cap. xxi.	An Act to consolidate and amend the Laws relating to insolvent debtors in India.	Sections one, sixty-five, sixty-six and sixty-seven.

PART II.—ACTS.

Number and year.	TITLE.	Extent of repeal.
X of 1836	Indigo contracts	Section one.
XX of 1836	Revenue Sale Law ...	Sections one and four.
VI of 1837	Land Revenue (Cuttack) ...	Section two.
XI of 1838	Amins, Bengal	Section one and in section two the words 'And it is hereby enacted that.'
XVI of 1838	Bombay Judiciary ...	In section one, clause one, the words 'It is hereby enacted in modification of the rules contained in chapter VII, Regulation XVII of 1827 of the Bombay Code that'
XIX of 1838	Bombay Coasting Vessels ...	Section one.
XXIX of 1838.	Salt Department, Bengal ...	Section one.
XXXII of 1838.	Justices of the Peace ...	Sections tw and three.
VII of 1839	Tahsildárs, Madras ...	Section one.
XXIV of 1839.	Ganjam and Vizagapatam ...	Section one.
XVI of 1840	An Act concerning the management of convicts transported to places within the territories of the East India Company.	Section four.
XI of 1841	An Act for consolidating and amending the Regulations concerning Military Courts of Requests for Native Officers and Soldiers in the service of the East India Company.	The first twenty-one words in section one, and section eighteen.
XII of 1841	An Act for amending the Bengal Code in regard to sales of land for arrears of revenue.	Section one.
XXIX of 1841.	An Act for amending such parts of the Bengal and Madras Codes as concern the dismissal of suits and appeals for neglecting to proceed in the same.	Section three down to and including the words 'are repealed, and'
XVII of 1842	An Act relative to the number and powers of the Revenue Commissioners under the Presidency of Bombay.	Section one and in sections two and three the words 'and it is hereby enacted that'
XI of 1843	An Act for regulating the service of hereditary officers under the Presidency of Bombay.	Section one.

SCHEDULE—*continued.*

Number and year.	TITLE.	Extent of repeal.
XI of 1844	An Act for the improvement of the administration of justice and despatch of business in the Supreme Court of Judicature at Fort William in Bengal.	The whole.
XVI of 1844	An Act for increasing the Excise and Import Duties heretofore payable to the Government on salt manufactured within or imported into the territories subject to the Government of the Presidency of Bombay.	Sections one, three and five.
XVIII of 1844.	An Act for the better control and management of gaols within the Bengal Presidency.	Section one and in section two the word 'And it is hereby enacted that'
XX of 1844	An Act to amend the law relating to advances *bonâ fide* made to Agents intrusted with goods, by extending to the territories of the East India Company, in cases governed by English Law, the provisions of the Statute 5 & 6 Victoria, c. 39, as altered by this Act.	Section nine.
XV of 1845	An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of judicial and revenue proceedings.	Section six.
VIII of 1846	An Act for determining the duration of the existing Settlement of the North-Western Provinces.	Section one so far as it relates to Hissar, Saharanpore, Moozuffernugger, Meerut, Bulundshuhur, Allyghur, Bijnore, Budaon, Bareilly, Shajehanpore, Furruckabad, Allahabad, Goruckpore and Azimgurh.
I of 1847	An Act for the establishment and maintenance of Boundary Marks in the North-Western Provinces of Bengal.	In section six, the words and figures "under Act IV of 1840."
IX of 1847	An Act regarding the assessment of lands gained from the sea or from rivers by alluvion or dereliction within the Provinces of Bengal, Behar and Orissa.	Section eight.
XX of 1847	An Act for the encouragement of learning in the territories subject to the Government of the East India Company, by defining and providing for the enforcement of the right called copy-right therein.	Section seventeen.
IV of 1848	An Act for regulating Coroner's Juries.	In section two, the words and figures "according to the provisions of Act No. II of 1839."
XVI of 1848	An Act to remove certain restrictions on the salt trade.	The whole.

SCHEDULE—*continued.*

Number and year.	TITLE.	Extent of repeal.
XVIII of 1848.	An Act for the administration of the estate of the late Nawab of Surat, and to continue privileges to his family.	Sections three and four.
I of 1849	An Act to provide more effectually for the punishment of offences committed in Foreign States.	Section one.
VI of 1849	For securing Military and Naval pensions and superannuation allowances.	Sections one and four.
XI of 1849	For securing the Abkaree revenue of Calcutta.	Section one.
IX of 1850	An Act for the more easy recovery of small debts and demands in Calcutta, Madras, and Bombay.	Section seven. In section seventeen, the words 'by action of debt or on the case.'
XI of 1850	An Act to amend Act X, 1841.	Section one.
XII of 1850	For avoiding loss by the default of Public Accountants.	Section six.
XIX of 1850	Concerning the binding of Apprentices.	Section six.
XXV of 1850	An Act for the forfeiture to Government of deposits made on incomplete sales of land under Regulation VIII, 1819, and Act IV, 1846.	Section one.
XXVI of 1850.	An Act to enable improvements to be made in towns.	Section one.
XXXIII of 1850.	An Act for amending the forms necessary for the sale of Putnee Tenures in Bengal.	Sections two and three.
XXXVII of 1850.	For regulating inquiries into the behaviour of public servants.	Section one.
XLIV of 1850.	An Act for consolidating the Board of Customs, Salt, and Opium, and the Sudder Board of Revenue in the Lower Provinces of Bengal.	Section one.
VI of 1851	Respecting certain land in Bombay called Foras Land.	The whole.
VIII of 1851	An Act for enabling Government to levy tolls on public roads and bridges.	Section one.
V of 1852	An Act for giving effect to the provisions of an Act of Parliament, passed in the 15th year of the reign of Her present Majesty, intituled "An Act for Marriages in India."	Section twenty-six.

SCHEDULE—*continued.*

Number and year.	TITLE.	Extent of repeal.
XV of 1852	An Act to amend the Law of Evidence.	Section fourteen.
XVI of 1852	An Act for further improving the administration of Criminal Justice in Her Majesty's Courts of Justice in the territories of the East India Company.	Sections ten and twenty-seven.
XIX of 1852.	An Act for securing the Abkaree revenue of Madras.	Section one.
XXIII of 1852.	To authorize and empower the Governors in Council of the respective Presidencies of Madras and Bombay to mitigate or discharge fines, amerciaments, &c., imposed by the Supreme Courts, or any other Courts of Justice at Madras and Bombay respectively.	The preamble and section one.
XXIX of 1852.	An Act to amend the law respecting the Circuits of Judicial Commissioners in the Presidency of Bombay.	Section one.
XI of 1853	An Act to facilitate the removal of Nuisances and encroachments below High-water Mark in the Islands of Bombay and Colaba.	In section seven, the words "the East India Company as trustees for"
XX of 1853.	An Act to amend the law relating to Pleaders in the Courts of the East India Company.	Section one.
V of 1854	An Act to amend Act No. V of 1838 relating to the Bengal Bonded Warehouse Association.	Section one.
VII of 1854	An Act for the apprehension, within the territories under the Government of the East India Company, of persons charged with the commission of heinous offences beyond the limits of the said Territories, and for delivering them up to justice, and to provide for the execution of warrants in places out of the jurisdiction of the authorities issuing them.	Section twenty-four.
XIII of 1854.	An Act to repeal Act No. VI of 1852, and to make provision for defraying the cost of the Light House on Pedra Branca, and for maintaining the same, and also a Floating Light established in the Straits of Malacca, to the west of Singapore, and for the establishment and maintenance of such further Lights in or near to the said Straits as may be deemed expedient.	Section one.
XVI of 1854.	An Act to amend Regulation XI of 1831 of the Bengal Code.	Section one.
XVIII of 1854.	An Act relating to Railways in India.	Section thirty-nine.
XXVII of 1854.	An Act to amend the law relating to the Nazim of Benga..	Section one.

SCHEDULE—*continued.*

Number and year.	TITLE.	Extent of repeal.
XXX of 1854	An Act to provide for the levy of duties of Customs in the Arracan, Pegu, Martaban, and Tenasserim Provinces.	Sections one and twelve.
XXXI of 1854.	An Act to abolish real actions and also fines and common recoveries, and to simplify the modes of conveying land in cases to which the English Law is applicable.	Section one.
II of 1855.	An Act for the further improvement of the Law of Evidence.	ection seventeen.
XXII of 1855	An Act for the regulation of Ports and Port-dues.	Section one, and in section thirty-five, the words "or of the Hon'ble East India Company," section forty-three.
XXIV of 1855	An Act to substitute penal servitude for the punishment of Transportation in respect of European and American convicts, and to amend the law relating to the removal of such convicts.	Section sixteen.
XXVI of 1855	An Act to facilitate the payment of small deposits in Government Savings' Banks to the representatives of deceased depositors.	So much of section five as relates to persons dying in the service or in the marine service of the East India Company.
XXVIII of 1855.	An Act for the repeal of the Usury Laws.	Sections one, seven, eight and the schedule.
XXXII of 1855.	An Act relating to embankments.	Section one.
XXXVII of 1855.	An Act to remove from the operation of the general Laws and Regulations certain Districts inhabited by Sonthals and others, and to place the same under the superintendence of an officer to be specially appointed for that purpose.	Section six.
VIII of 1856	An Act for the better control of the gaols within the Presidencies of Fort St. George and Bombay.	Section one.
XII of 1856	An Act to amend the law respecting the employment of Ameens by the Civil Courts in the Presidency of Fort William.	Section one.
XIII of 1856.	An Act for regulating the Police of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore and Malacca.	Section one from and including the words "The several" down to and including "operation, and" And the schedule.

SCHEDULE—*continued.*

Number and year.	TITLE.	Extent of repeal.
XX of 1856	An Act to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs, and Bazaars in the Presidency of Fort William in Bengal.	Section on from and including "Regulation" down to and including "provided that"
XXI of 1856	An Act to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal.	Sections one and eighty-nine.
III of 1857	An Act relating to trespass by Cattle.	Sections one and twenty-two.
IV of 1857	An Act to amend the law relating to the duties payable on Tobacco, and the retail sale and warehousing thereof in the town of Bombay.	Section one. In section five, the words and figures "within the meaning of Act XXV of 1836."
X of 1857	An Act to amend Act XXXVII of 1855.	In section one from and including "so much" down to and including "this Act; and"
XIII of 1857	An Act to consolidate and amend the law relating to the cultivation of the poppy and the manufacture of opium in the Presidency of Fort William in Bengal.	Section one.
XXIX of 1857.	An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidency of Bombay.	Section one.
XXX of 1857	An Act for the levy of Port-dues and fees in the Port of Calcutta.	In section seven from and including "this Act" down to and including "said date."
XXXI of 1857.	An Act for the levy of Port-dues and fees in the Port of Bombay.	In section six from and including "this Act" down to and including "said date."
XXXIV of 1857.	An Act relating to the sale of Ganjah in the Presidency of Bombay.	Section one.
XXXV of 1857.	An Act for the levy of Port-dues in the ports of Moulmein, Rangoon, Kyouk Phyoo, Akyab and Chittagong.	Section five down to and including "said date."
II of 1858	An Act for the levy of Port-dues in certain ports in the Province of Cuttack.	Section five. Section six down to and including "said date."
III of 1858	An Act to amend the law relating to the arrest and detention of State Prisoners.	Section one.
VIII of 858	An Act for the levy of Port-dues and fees in the Port of Kurrachee.	Section seven. Section eight down to and including "said date."
XV of 1858	An Act for the levy of Port-dues in the Port of Aden.	Section six down to and including "said date."

SCHEDULE —*continued.*

Number and year.	TITLE.	Extent of repeal.
XXVIII of 1858.	An Act for the maintenance of a Police Force for the Port of Madras.	Section eleven.
XXXV of 1858.	An Act to make better provision for the care of the estates of Lunatics not subject to the jurisdiction of the Supreme Courts of Judicature.	Section one.
XL of 1858	An Act for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal.	Section one.
I of 1859	An Act for the amendment for the law relating to Merchant Seamen.	Section one.
III of 1859	An Act for conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those Officers Registers of Deeds.	In section eleven, the words "or who shall be appointed Register of Deeds under the provisions of this Act" "and Registers of Deeds respectively."
VIII of 1859	An Act for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter.	In section three hundred and eighty-two, the words "in any Court of Judicature established by Royal Charter or" Section three hundred and eighty-seven.
X of 1859	An Act to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.	Sections one and one hundred and sixty-seven.
XI of 1859	An Act to improve the law relating to sales of land for arrears of revenue in the Lower Provinces under the Bengal Presidency.	Section one.
XII of 1859	An Act to make better provision for the trial of Pilots at the Presidency of Fort William in Bengal for breach of duty.	Section one.
XIV of 1859	An Act to provide for the limitation of suits.	Sections eighteen, twenty-one and twenty-three, and, in section nineteen, the proviso.
XVII of 1859	An Act to amend the law for the realization of revenue from Abkaree in the Island of Bombay.	Section one.
XX of 1859	An Act for the suppression of outrages in the District of Malabar in the Presidency of Fort Saint George.	Section one.
XXII of 1859	An Act to amend Act I of 1852 (for the consolidation and amendment of the Laws relating to the Customs under the Presidency of Bombay).	Section one.

SCHEDULE —*continued.*

Number and year.	TITLE.	Extent of repeal.
XXIV of 1859.	An Act for the better regulation of the Police within the territories subject to the Presidency of Fort St. George.	Sections two and three and the schedule down to "said clause."
XXV of 1859	An Act to prevent the overcrowding of Vessels carrying Native passengers in the Bay of Bengal.	Section nineteen.
II of 1860	An Act to amend the law relating to the carriage of Passengers by Sea.	In section one, the words and figures "under Act XV of 1812," "under Act XXI of 1844," "under Act XXXI of 1855."
VIII of 1860	An Act for regulating the establishment and management of Electric Telegraphs in India.	Section one.
XXIII of 1860.	An Act to amend Act XXI of 1856 (to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal).	Section one, from the beginning down to and including 'repealed' and the schedule.
XXV of 1860	An Act for the levy of Port-dues in the Port of Bassein.	Section five from the beginning down to and including "said date."
XXVIII of 1860.	An Act for the establishment and maintenance of boundary marks, and for facilitating the settlement of boundary disputes in the Presidency of Fort Saint George.	Sections one and thirty-three.
XXXI of 1860	An Act relating to the manufacture, importation and sale of arms and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases.	Sections one, fifty-two and fifty-five.
XLV of 1860	The Indian Penal Code ...	In section five, the words "or of the East India Company, or of any Act for the government of the Indian Navy."
XLVI of 1860.	An Act to authorize and regulate the emigration of Native laborers to the French Colonies.	Section one.
XLVIII of 1860.	An Act to amend Act XIII of 1856 (for regulating the Police of the towns of Calcutta, Madras and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca).	Section one, from the beginning down to and including "repealed and"
L of 1860	An Act to amend the law relating to vacations in the Civil Courts within the Presidency of Fort William in Bengal.	Section one.
X of 1861	An Act to repeal certain Regulations and Acts relating to the procedure of the Courts of Civil Judicature not established by Royal Charter.	The whole.

SCHEDULE —*continued.*

Number and year.	TITLE.	Extent of repeal.
XIV of 1861	An Act to remove certain tracts of country in the Rohilcund Division from the jurisdiction of the tribunals established under the general Regulations and Acts.	In section four, the words "shall not call for the futwah of its law officer and" Section seven.
XVI of 1861	An Act for licensing and regulating stage carriages.	Section twenty-two.
XVII of 1861	An Act to amend Act XIV of 1843 (for regulating the Customs Duties in the North-Western Provinces).	Section three.
XIX of 1861	An Act to provide for a Government Paper Currency.	Section one.
XXIII of 1861.	An Act to amend Act VIII of 1859 (for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter).	Sections one and forty-three.
XXV of 1861	An Act for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.	Section four hundred and forty-five except so far as it empowers the Governor General in Council to extend the Act.
IV of 1862	An Act for regulating the Bank of Bengal.	Sections one and forty-two, and the second proviso in section eleven.
XIII of 1862	An Act to provide for a new Silver and a new Copper Coinage.	Section one.
XX of 1862	An Act to provide for the levy of Fees and Stamp Duties in the High Court of Judicature at Fort William in Bengal; and to suspend the operation of certain sections of Act VIII of 1859 in the said High Court.	Sections seven, eleven and twelve.
XXIII of 1862.	An Act to amend Act XI of 1862 (to amend the duties of Customs on goods imported and exported by sea).	The whole.
I of 1863	An Act to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burmah, and to provide for the extension of certain Acts to the said territory.	Sections one and twenty-eight.
VI of 1863	An Act to consolidate and amend the laws relating to the administration of the Department of Sea Customs in India.	Sections two and two hundred and thirty.
VIII of 1863	An Act for the amendment of the law relating to the confinement of prisoners sentenced by Courts acting under the authority of Her Majesty, and by certain other Courts, and of prisoners convicted of offences in Native States.	Section one.
XII of 1863	An Act to bring the Pergunnahs of Mahoba and Jeitpore, in the District of Humeerpore, under the operation of the General Regulations.	Sections two, three, four, five, six.

SCHEDULE —*continued.*

Number and year.	TITLE.	Extent of repeal.
XV of 1863	An Act to amend Act I of 1859 (for the amendment of the law relating to Merchant Seamen).	Section one.
XIX of 1863	An Act to consolidate and amend the law relating to the partition of estates paying revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal.	Section one, and the first eight words of section two. Section fifty.
XX of 1863	An Act to enable the Government to divest itself of the management of Religious Endowments.	Section one.
XXIV of 1863.	An Act to amend Act I of 1863 (to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burmah, and to provide for the extension of certain Acts to the said territory).	Sections four and five.
VII of 1864	An Act for regulating the importation and manufacture of alimentary salt, in the territories administered by the Chief Commissioner of the Central Provinces.	Section one.
XII of 1864	An Act to give further effect to the provisions of Act IV of 1863 (to give effect to certain provisions of a Treaty between His Excellency the Earl of Elgin and Kincardine, Viceroy and Governor General of India, and His Majesty the King of Burmah).	Section two.
XIII of 1864	An Act to consolidate and amend the laws relating to the emigration of Native labourers.	Sections one and eighty-four, and schedule A.
XVII of 1864	An Act to constitute an Office of Official Trustee.	Section two.
XXII of 1864.	An Act to make provision for the Administration of Military Cantonments.	Sections two, thirty-seven, and the schedule.
XXIV of 1864.	An Act relating to the Administration of certain Districts under the Government of the Lieutenant Governor of the North-Western Provinces.	Section fifteen.
XXVIII of 1864.	An Act to provide for the extension of Act XXI of 1856 (to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal), to the provinces under the control of the Lieutenant Governor of the Panjáb.	Section three.
XI of 1865.	An Act to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original Civil jurisdiction of the High Courts of Judicature.	Section two, from the beginning down to and including the words "Provided that" And from and including the words "and all suits" down to the end of the section.

SCHEDULE—*continued.*

Number and year.	TITLE.	Extent of repeal.
XIII of 1865	An Act to amend the procedure of Her Majesty's High Courts of Judicature in the exercise of their original Criminal jurisdiction, and to provide for the exercise of such jurisdiction at places other than the Presidency Towns.	In section nine, the words "From and after the date on which this Act shall come into operation," and, in sections twenty-two, twenty-three, twenty-four and forty-four, the words "From and after the commencement of this Act," Sections forty-five and forty-six.
XIV of 1865	An Act to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces.	Section twenty-four.
XV of 1865	An Act to define and amend the law relating to Marriage and Divorce among the Parsees.	In section seven, the words "who may be the Registrar appointed under Act XVI of 1864 (*to provide for the registration of assurances.*)" In section fifty-three, the words "shall commence and take effect on the first day of September 1865, and"
XIX of 1865	An Act to define the jurisdiction of the Courts of Judicature of the Panjáb and its Dependencies.	Sections twenty-four and twenty-five.
XX of 1865	An Act to amend the law relating to Pleaders and Mookhtars.	Section three and the first schedule.
IV of 1866	An Act to amend the constitution of the Chief Court of Judicature in the Panjáb and its Dependencies.	Sections fifty-two and fifty-four.
V of 1866	An Act to provide a summary procedure on Bills of Exchange and to amend in certain respects the Commercial Law of British India.	In section two, the words "From and after the first day of May 1866,"
X of 1866	The Indian Companies' Act.	Sections two hundred and nineteen, two hundred and twenty, two hundred and twenty-one and two hundred and twenty-two, and the third schedule.
XI of 1866	An Act to repeal Act No. IV of 1855 (for incorporating for a further period, and for giving further powers to the Assam Company).	The whole.

SCHEDULE—*continued.*

Number and year.	TITLE.	Extent of repeal.
XIV of 1866	The Indian Post Office Act, 1866.	In section one, the words "shall come into operation on the first day of May 1866," And section three.
XX of 1866	The Indian Registration Act, 1866.	Section three and section ninety-eight from the beginning down to and including "notwithstanding," Section one hundred and two.
XXII of 1866	An Act to extend the Indian Marriage Act, 1865, to the Hyderabad Assigned Districts and the Cantonments of Secunderabad, Trimulgerry and Aurungabad.	In section one, the words "From and after the passing of this Act."
XXVI of 1866.	An Act to legalize the rules made by the Chief Commissioner of Oudh for the better determination of certain claims of subordinate proprietors in that Province.	Section two.
XXVII of 1866.	An Act to consolidate and amend the law relating to the conveyance and transfer of property in British India vested in mortgagees and trustees, in cases to which English law is applicable.	Section one.
XII of 1867	An Act to amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras and Bombay.	Section two and the schedule.
XVIII of 1867.	An Act to define the jurisdiction of the Courts of Civil Judicature in the Jhánsi Division.	Section two.
XXIV of 1867.	An Act to consolidate and amend the law relating to the office and duties of Administrator General.	Section two and the schedule.
XXV of 1867	An Act for the regulation of Printing-presses and Newspapers, for the preservation of copies of books printed in British India, and for the registration of such books.	Sections two and twenty-three.
XXXIV of 1867.	An Act to repeal Act No. XIX of 1866 in the places to which the Madras Salt Excise Act, 1867, may be made applicable.	The whole.
XXXV of 1867.	An Act to provide temporary assistance to the Financial Commissioner of the Panjáb.	The whole.
III of 1868	An Act to authorize the Local Government of the Panjáb to invest any person with the powers of an Assistant Commissioner or Tahsíldár.	Section three.
VIII of 1868	An Act for repealing certain enactments which have ceased to be in force or have become unnecessary.	The whole.

SCHEDULE—*continued.*

Number and year.	TITLE.	Extent of repeal.
XI of 1868	An Act to exempt Timber and Woods from Import Duty.	The whole.
XIII of 1868	An Act to exempt the King of Oudh from the jurisdiction of the Civil Courts, and for other purposes.	Section one.
XVI of 1868	An Act to consolidate and amend the law relating to Principal Sadr Amíns, Sadr Amíns and Munsifs in Bengal, and for other purposes.	Section one and the schedule.
XVII of 1868.	An Act to appoint a Commission to enquire into the failure of the Bank of Bombay.	The whole.
XVIII of 1868.	An Act for investing the Commissioner and Assistant Commissioner of the Neilgherry Hills with the powers of a Court of Small Causes.	Section five.
XIX of 1868	An Act to consolidate and amend the law relating to rent in Oudh.	Section two.
XX of 1868	An Act to give validity to the levy of certain duties in Lucknow.	The whole.
XXIII of 1868.	An Act to give validity to certain Abkárí Rules in British Burmah.	In the preamble, the words "and to indemnify all officers, farmers and other persons who have acted under them, or under any such rules previously published or enforced under the same authority," And section two
XXV of 1868	An Act to define the jurisdiction of the Courts in Coorg.	Section twenty-four.
XXVIII of 1868.	An Act to define and amend the law relating to the tenancy of land in the Panjáb.	Section four.
II of 1869	An Act for the appointment of Justices of the Peace.	Section two and the schedule
III of 1869	An Act for the maintenance of the Rural Police in the North-Western Provinces.	Section two.
V of 1869	The Indian Articles of War ...	Part I, clause (*c*), paragraphs one, two and three.
VI of 1869	An Act to amend the law relating to the Emigration of Native labourers.	Sections ten and eleven.
VII of 1869	An Act to give validity to certain Rules relating to Forests in British Burmah.	In the preamble, the words "and to indemnify the officers and other persons who have acted under them;" Section two.
VIII of 1869	An Act further to amend the Code of Criminal Procedure.	Section two, paragraph one.

SCHEDULE—*concluded.*

Number and year.	TITLE.	Extent of repeal.
XI of 1869	An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidencies of Fort St. George and Bombay.	Section two.
XIV of 1869	An Act to consolidate and amend the law relating to the District and Subordinate Civil Courts in the Presidency of Bombay.	Section two and the schedule.
XVIII of 1869.	An Act for imposing Stamp Duties on certain Instruments.	Section two and the schedule.
XX of 1869	An Act to provide for the good order and discipline of Volunteer Corps, and to invest them with certain powers.	Section three.
XXII of 1869	An Act to remove the Gáro Hills from the jurisdiction of the tribunals established under the General Regulations and Acts, and for other purposes.	Sections two and three.
XXIII of 1869.	An Act to enhance the duties leviable under the Indian Income Tax Act.	The whole.
XXIV of 1869.	An Act to enhance the price of Salt in the Presidency of Fort St. George and the duty on Salt in the Presidency of Bombay.	Section one.
VII of 1870	The Court Fees Act ...	Section two and the third schedule.

STATEMENT OF OBJECTS AND REASONS.

The preparation of a revised edition of the Statutes and Acts in force in British India has been for some time progressing in the Legislative Department. To facilitate the execution of this project, the present Bill (which is framed on the model of 30 & 31 Vic., cap. 59) proposes to remove from the Indian Statute-book, in whole or in part, 198 enactments (16 Statutes, 182 Acts) which have ceased to be in force otherwise than by express repeal. Of these, some are temporary; but their repeal is expedient to preclude doubts as to whether or not they have been continued or revived. Others have become obsolete by change of circumstances, and have thus merely an historical interest. Others have spent their force. Others, lastly, merely repeal prior enactments: but the repeal of this numerous class will greatly relieve the Statute-book, and the provision of the third section of the General Clauses' Act (I of 1868) will prevent the revival of the prior enactments repealed.

J. F. STEPHEN.

The 8th March 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th March 1870, and was referred to a Select Committee with instructions to make their report thereon in a week:—

No. 9 OF 1870.

THE NATIVE PASSENGER SHIPS BILL, 1870.

ARRANGEMENT OF SECTIONS.

Preamble.

CHAPTER I.—*Preliminary.*

SECTION.
1. Short title.
2. Extent of Act.
   Act not to apply to Ships-of-War, &c.
   Or to sea-going Steam Vessels conveying public mails.
3. Repeal of Act.
4. Interpretation-clause.

CHAPTER II.—*Rules as to Native Passenger Ships.*

5. Native Passenger Ship to sail only from Ports appointed by Government.
6. Not to sail without obtaining a certificate.
7. Penalty.
8. Appointment of Officers.
9. Master to give notice of day of sailing, &c.
10. Power to enter and inspect ship.
11. Ship may be surveyed.
12. Officer to be satisfied before giving certificate—
   (1). That the ship is sea-worthy.
   (2). That the space between-decks for passengers is sufficient.
   (3). That the space on the upper deck is sufficient.
   (4). That there is a due supply of provisions.
13. Number of passengers.
14. List of passengers.
15. Ship taking additional passengers and touching at intermediate Port.
16. Penalty for fraudulent alteration in ship after certificate obtained.
17. Information to be transmitted to Ports of embarkation.
18. Report of Consul, &c., to be admissible in evidence.
19. Depositions to be received in evidence when witnesses cannot be produced.
20. Length of voyage to be fixed by proclamation.
21. Quantity of provisions and water to be shipped.
22. Contract by passengers for supply of their own provisions.
23. Penalty on ships bringing excessive number of passengers from certain Foreign Ports to Indian Ports.
24. Bond when ship clears for a Port in Red Sea.
   Bill of health.

CHAPTER III.—*Coasting Steamers.*

25. Certificates to be furnished to Coasting Steam Vessels intended to carry passengers.
26. Certificates to Coasting Steam Vessels how to be granted, &c.
27. Copy of certificate to be placed in conspicuous part of ship.
28. Penalty for excess of number specified in certificate.
29. Penalty for proceeding without certificate.
30. Grant of certificate to be subject to control of Government.

CHAPTER IV.—*Miscellaneous.*

31. Penalty on landing passenger at a place other than that at which he has contracted to land.
32. Passenger's right of action preserved.
33. Adjudication of offences and recovery of penalties.
   Sum ordered to be paid leviable by distress on ship.
34. Jurisdiction.
35. By whom proceedings for penalties to be instituted.
36. Application of penalties.

A Bill for the regulation of Native Passenger Ships, and of Steam Vessels intended to convey Passengers on coasting voyages.

Preamble.

WHEREAS abuses have occurred in the overcrowding of Ships conveying Native Passengers between Ports and places in India, and Ports and places in the Red Sea or Persian Gulf; and whereas similar abuses have also occurred in the case of Ships commanded or owned by subjects of Her Majesty and conveying Native Passengers between other Ports and places situate east of the Cape of Good Hope, and Ports and places in the Red Sea or Persian Gulf; and whereas it is expedient to prevent such abuses, and to provide for the regulation of all such Ships as aforesaid which shall depart from or arrive at any of the said Ports or places in India, and also for the regulation of Steam Vessels intended to carry passengers on coasting voyages; It is hereby enacted as follows:—

CHAPTER I.—*Preliminary.*

Short title.

1. This Act may be called "The Native Passenger Ships Act, 1870."

Extent of Act.

2. This Act extends to all subjects of Her Majesty whether within British India or within the dominions of Princes and States in India in alliance with Her Majesty, and to all persons being Native Indian subjects of Her Majesty without and beyond British India.

Act not to apply to Ships-of-War, &c.

Nothing in this Act applies to any Ship-of-War or Transport belonging to or in the service of Her Majesty or to any Ship-of-War belonging to any Foreign Prince or State, or to any Ship under contract with the Government of any European State, or to any sea-going Steam Vessel regularly employed in the conveyance of the public mails under a contract.

Or to sea-going Steam Vessels conveying public mails.

Repeal of Act.

3. Act No. XXI of 1858 *(for the regulation of Native Passenger Ships, and of Steam Vessels intended to convey Passengers on coasting voyages)* is hereby repealed.

Interpretation-clause. "Magistrate."

4. In this Act—

The word "Magistrate" means a person exercising powers not inferior to those of a Subordinate Magistrate of the first class, and includes a Justice of the Peace, and, at the Port of Aden, the Political Resident and his Assistant:

"Local Government."

The words "Local Government" mean the person or persons for the time being immediately administering the Executive Government of the territories where the Port or place in question is situate:

"Master."

The word "Master" includes every person having command or charge of a Ship or Steam Vessel:

"Native Passenger Ship."

The words "Native Passenger Ship" mean a vessel carrying more than thirty passengers being natives of Asia or Africa, which may depart or proceed on any voyage from a Port or place in British India or in the said dominions to any Port or place in the Red Sea or Persian Gulf, or which may arrive at any Port or place within British India or the said dominions from any Port or place in the Red Sea or Persian Gulf, having on board more than thirty such passengers.

CHAPTER II.—*Rules as to Native Passenger Ships.*

Native Passenger Ship to sail only from Ports appointed by Government.

5. No Native Passenger Ship shall depart or proceed upon any voyage to which this Act extends from any Port or place within British India or the said dominions other than such Ports and places as the Local Government may from time to time appoint; and after any Native Passenger Ship has departed or proceeded upon any such voyage from a Port or place so to be appointed, no person whatsoever shall be received on board as a passenger, except at some other duly appointed Port or place.

Not to sail without obtaining a certificate.

6. No Native Passenger Ship shall depart or proceed upon any such voyage from any Port or place appointed under this Act, until the Master shall have obtained a certificate from an officer authorized to grant the same.

Penalty.

7. If any Native Passenger Ship departs or proceeds upon a voyage from any Port or place within British India or the said dominions,

or if any person is received as a passenger on board a Native Passenger Ship in contravention of the provisions of section five or section six,

the Owner or Master shall, for every passenger conveyed on a Ship unlawfully departing or proceeding on such voyage, or for every passenger unlawfully received on board, be liable to a penalty not exceeding one hundred rupees, or to imprisonment not exceeding one month, or to both;

and the Ship, if found within two years in any place within British India, may be seized and detained by any Chief Officer of Customs until the penalties incurred under this Act have been adjudicated, and the payment thereof, with all costs, has been enforced under the provisions of section thirty-three.

Appointment of Officers.

8. Within British India, the Local Government shall appoint such persons as it may deem proper to exercise or perform the powers and duties conferred and imposed by this Act.

Master to give notice of day of sailing, &c.

9. The Master of any Native Passenger Ship sailing from any Port or place appointed under this Act, shall give notice to the proper officer that the Ship is to carry Native Passengers, and of her destination, and of the proposed day of sailing; such notice shall be given not less than three days before the proposed day of sailing.

Power to enter and inspect Ship.

10. After receiving such notice, the officer aforesaid, or any person authorised by him, shall be at liberty at all times to enter and inspect the Ship and the fittings, provisions, and stores therein; and any person impeding or refusing to allow such inspection shall be liable, on conviction, to a fine not exceeding five hundred rupees for each offence, or to imprisonment for a term not exceeding three months, or to both.

Ship may be surveyed.

11. The officer aforesaid may, if he think fit, cause the Ship to be surveyed at the expense of the Master by a competent surveyor, who shall report whether the Ship is, in his opinion, sea-worthy and fit for her intended voyage.

Officer to be satisfied before giving certificate.

12. The officer aforesaid shall not give his certificate, unless he shall be satisfied—

That the Ship is sea-worthy.

(1). That the ship is sea-worthy and properly manned, equipped, fitted, and ventilated; and has not on board any cargo likely, from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers.

That the space between-decks for passengers is sufficient.

(2). That the space appropriated to the passengers in the between-decks contains at the least twelve superficial and seventy-two cubical feet of space for every adult passenger on board, that is to say, for every passenger above twelve years of age, and for every two passengers between the ages of one year and twelve years.

That the space on the upper deck is sufficient.

(3). That a space of four superficial feet per adult is left clear on the upper deck for the use of the passengers.

That there is a due supply of provisions.

(4). That provisions, fuel, and water have been placed on board, of good quality, properly packed, and sufficient to supply the passengers on board during the declared duration of the intended voyage, according to the scale hereinafter contained.

Number of passengers.

13. No such Ship shall carry any greater number of passengers than, together with the Master and crew, shall amount to the proportion of two persons for every three tons of the registered or estimated tonnage of the Ship.

List of passengers.

14. The Master of any such Ship, before departing or proceeding on any such voyage from any Port or place in British India, shall sign two lists,

specifying (as accurately as may be) the names of all the passengers, and stating the number of the crew; and shall deliver them to the officer aforesaid, who shall thereupon (after having first mustered the passengers and compared the number and names of such passengers with the lists) countersign and return to the Master one of such lists.

The Master shall note in writing on such last-mentioned list, and on any additional list to be made under this Act, the date and supposed cause of death of any passenger who may die on the voyage, and shall forthwith, on the arrival of the Ship at her destination or at any Port within the said local extent of this Act at which it may be proposed to land passengers and before any passengers are landed, produce the list, with any additions thereto made, to any person lawfully exercising Consular authority on behalf of Her Majesty at the Port of arrival if it be a Foreign Port, or to the Chief Officer of Customs, or the officer (if any) appointed under this Act, at any Port or place within the said local extent at which it shall be intended to land the passengers or any of them.

In case of non-compliance with any of the requirements of this section on the part of the Master, or if any false entry be wilfully made in any such list, the Master shall be liable to a fine not exceeding five hundred rupees for each offence, or to imprisonment for a term not exceeding three months, or to both.

15. If after the Ship shall have departed or proceeded on any such voyage, any additional passengers are taken on board at a Port or place within British India or the said dominions, appointed under this Act for the embarkation of passengers, or if such Ship shall, upon her voyage, touch or arrive at any such Port, having previously received on board additional passengers at any place beyond the said local extent, the Master shall obtain a fresh certificate from the officer at such Port, and shall make lists of all such additional passengers; and all the provisions hereinbefore contained in that behalf shall be applicable to any certificate granted or list made under this section.

Ship taking additional passengers and touching at intermediate Port.

In case the Master fail to obtain any such fresh certificate, or to make any such list of additional passengers, he shall be liable to a fine not exceeding five hundred rupees, or to imprisonment for a term not exceeding three months, or to both.

16. If any Master of a Ship, after having obtained a certificate under section six or section fifteen of this Act, shall fraudulently do or suffer to be done any act or thing whereby such certificate shall become inapplicable to the altered state of the Ship, its passengers, or other matters to which such certificate relates, he shall be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

Penalty for fraudulent alteration in Ship after certificate obtained.

17. The Chief Officer of Customs, or the officer (if any) appointed under this Act, at any Port or place within British India at which the Ship shall touch or arrive, shall, with advertence to the requirements of this Act, transmit any particulars which he may deem important respecting the Ship and the passengers conveyed therein, to the officer at the Port from which the Ship commenced her voyage, and also to the officer at any other Port within the local extent of this Act where the passengers or any of them embarked.

Information to be transmitted to Ports of embarkation.

18. In any proceeding for the adjudication of any penalty incurred under this Act, any document purporting to be a report of such particulars as are referred to in the last preceding section, or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising Consular authority on behalf of Her Majesty in any Foreign Port, shall be received in evidence, if the same appears to have been officially transmitted to any officer at or near the place where the proceeding under this Act is had.

Report of Consul, &c., to be admissible in evidence.

19. Whenever, in the course of any legal proceeding instituted under this Act at any Port or place in British India, the testimony of any witness is required in relation to the subject-matter of such proceeding, any deposition that such witness may have previously made in relation to the same subject-matter before any Justice or Magistrate in Her Majesty's dominions (including all parts of India other than those subject to the same Local Government as the Port or place where such proceedings are instituted) or any British Consular Officer elsewhere, shall, if authenticated by the signature of the Justice, Magistrate or Consular Officer, be admissible in evidence on due proof that such witness cannot be found within the jurisdiction of the Court in which such proceedings are instituted:

Depositions to be received in evidence when witnesses cannot be produced.

Provided that, if the proceeding is criminal, such deposition shall not be admissible unless it was made in the presence of the person accused, and the fact that it was so made is certified by the Justice, Magistrate, or Consular Officer.

It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition; and in any criminal proceeding, such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

20. Within British India, the Local Government may, by any proclamation to be from time to time issued for that purpose and published in the Government Gazette (if any), or in one of the public newspapers, declare what shall be deemed, for the purposes of this Act, the duration of the voyage of any Native Passenger Ship from any Port or place in British India or the said dominions to any other Port or place.

Length of voyage to be fixed by proclamation.

21. Every Native Passenger Ship, at the time of departure from the Port or place at which passengers shall be embarked under this Act, shall have on board good and wholesome provisions for the use and consumption of the passengers, over and above the victualling of the crew, to the amount or in the proportion following, that is to say, a supply of water to the amount of five gallons to every week of the computed voyage for every passenger on board, such water being carried in tanks or sweet casks, and a supply of rice, flour, oatmeal, or bread-stuffs to the amount of seven pounds weight to every week of the computed voyage for every such passenger;

Quantity of provisions and water to be shipped.

Provided that, when any such Ship shall be destined to call at a Port or place in the course of her voyage for the purpose of filling up her water-casks, a supply of water at the rate before mentioned for every week of an average voyage to such Port or place of calling, shall be deemed to be a compliance with this Act.

The provision of this section regarding food shall be deemed to have been complied with in any case where it shall appear that, by the special authority of the Local Government, any other articles of food were substituted for the articles above enumerated as being equivalent thereto.

22. The requirements of this Act respecting the supply of provisions for passengers shall not, except as to the supply of water, be applicable to any passenger who may have contracted to furnish his own provisions.

Contract by passengers for supply of their own provisions.

23. If any Ship, bringing passengers from any Port or place east of the Cape of Good Hope and not within British India or the said dominions to any Port or place within British India or the said dominions, shall have on board a greater number of passengers or persons than in the proportion prescribed by this Act, the Master of such Ship shall, in addition to any other penalty which he may have incurred under the provisions of this Act, be liable, on conviction, for each person in excess of such proportion to a fine not exceeding fifty rupees, or to imprisonment not exceeding one month, or to both.

Penalty on Ships bringing excessive number of passengers from certain Foreign Ports to Indian Ports.

24. In the case of every Native Passenger Ship sailing from any Port within British India to any Port in the Red Sea, the officer whose duty it is to grant a port-clearance for any such Ship, shall not grant such clearance unless and until the Owner, Agent or Master of such Ship and two sureties resident in British India shall, by a joint and several bond, have become bound unto the Secretary of State for India in Council in the penal sum of rupees five thousand, conditioned to be void if the said Ship touches at Aden and does not leave that Port without having obtained from the proper authority a clean bill of health.

Bond when Ship clears for a port in Red Sea.

Such bill of health shall not be granted in case the Ship has on board a greater number of passengers or persons than in the proportion prescribed by this Act.

Bill of health.

CHAPTER III.—*Coasting Steamers.*

25. Steam Vessels intended to carry passengers on coasting voyages from or to any Port or place within British India, shall, before proceeding on such voyages, be furnished with certificates to be granted in manner hereinafter provided.

Certificates to be furnished to coasting Steam Vessels intended to carry passengers.

26. Every such certificate shall be granted at the discretion of an officer authorized by the Local Government to grant the same, and shall remain in force for the period therein specified, unless sooner revoked.

Certificates to coasting Steam Vessels how to be granted, &c.

The officer so authorized shall not grant such certificate, or suffer the same to remain in force, unless he is satisfied, by inspection or survey (to be made at least twice in each year at the expense of the Master or Owner, and upon payment of a fee not exceeding twenty rupees), that such Steam Vessel is sea-worthy and properly equipped with boats and otherwise, and that the engines and machinery are in a fit state to enable her to proceed on her voyage.

The certificate shall state the limits (if any) within which the Vessel is to ply, and the number of Native Passengers which the Vessel is permitted to carry: such number to be subject to such conditions and variations according to the time of year, the nature of the voyage, and the cargo carried, as the case requires.

27. The Owner or Master of any such Steam Vessel shall put up in a conspicuous part of the Ship, so as to be visible to persons on board the same, a copy of the said certificate, and shall cause it to be continued in such position so long as the certificate remains in force; and in default, such Owner or Master shall, for each offence, be liable to a fine not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

Copy of certificate to be placed in conspicuous part of Ship.

28. If such Steam Vessel has on board thereof any number of passengers which, having regard to the time of the year and other circumstances, is greater than the number allowed by the certificate, the Owner or Master shall, for every passenger over and above the number allowed by the certificate, be liable to a fine not exceeding twenty rupees, or to imprisonment not exceeding one week, or to both.

Penalty for excess of number specified in certificate.

29. If any such Steam Vessel shall proceed on any such voyage without such certificate as aforesaid, the Owner or Master shall be liable to a fine not exceeding five hundred rupees, or to imprisonment for any term not exceeding three months, or to both.

Penalty for proceeding without certificate.

30. In the grant or revocation of any certificate whatsoever under this Act, the officer granting the same shall be subject to the control of the Local Government or of any intermediate authority which that Government may appoint.

Grant of certificate to be subject to control of Government.

CHAPTER IV.—*Miscellaneous.*

31. If any Native passenger in any Ship shall be landed at any Port or place other than the Port or place at which he may have contracted to land, unless with his previous consent or unless such landing is made necessary by perils of the sea or other unavoidable accident,

Penalty on landing passenger at a place other than that at which he has contracted to land.

the Master shall, for each offence, be liable to a penalty not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

32. Nothing in this Act contained shall take away or abridge any right of action which may accrue to any Native passenger, or to any other person, in respect of the breach or non-performance of any contract made with the Master or Owner of the Ship or his Agent.

Passenger's right of action preserved.

33. All offences against this Act shall be punishable in a summary manner by a Magistrate.

Adjudication of offences and recovery of penalties.

If the person directed to pay any penalty is the Master or Owner of a Ship and the same is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the means prescribed by law for enforcing payment, direct by warrant the amount remaining unpaid to be levied by distress and sale of the said Ship, her tackle, furniture, and apparel.

Sum ordered to be paid leviable by distress on Ship.

34. For the purpose of the adjudication of penalties under this Act, every offence hereunder shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

Jurisdiction.

35. The penalties to which Masters and Owners of Ships are liable by this Act, shall be enforced only by information laid at the instance of the officers appointed to grant certificates under this Act; or, at any Port or place where there is no such officer, by the Chief Officer of Customs.

By whom proceedings for penalties to be instituted.

36. Any Magistrate imposing any penalties under this Act may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or in or towards payment of the expenses of the proceedings.

Application of penalties.

STATEMENT OF OBJECTS AND REASONS.

Act XXI of 1858 has been found insufficient to prevent the overcrowding of ships conveying Native passengers to ports in the Red Sea and the Persian Gulf. It does not apply to ships unless they sail from or touch at ports in British India. The penalties provided for Masters breaking its rules are merely pecuniary, and, in cases of prosecutions under the Act, depositions taken by Consuls in foreign ports are not admissible in evidence. The present Bill accordingly proposes to repeal that Act and to re-enact it with the following amendments:—

(1). The measure is expressly applied to all subjects of Her Majesty, whether within British India or within the dominions of Princes and States in India in alliance with Her Majesty to all Native Indian subjects of the Queen wherever they are (see 32 & 33 Vic., c. 98, section 1), and to all ports and places whether in British India or the said dominions.

(2). Masters violating its provisions will, in all cases, be liable to imprisonment as well as to fine.

(3). In prosecutions under the proposed Act, when witnesses cannot be produced, their depositions taken by Consuls in foreign ports are admissible, provided they have been made in the presence of the accused and authenticated by the Consul's signature.

The opportunity has been taken of introducing a section (24) providing that every Native Passenger Ship sailing to any port in the Red Sea shall touch at Aden, and shall not leave that port without a clean bill of health. Such bill will not be granted where the passengers on board exceed the number prescribed by the Act.

F. S. CHAPMAN.

The 7th March 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th March 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 10 OF 1870.

A Bill to declare and consolidate the law relating to the local extent of the general Regulations and Acts, and the local limits of the jurisdiction of the High Courts and Chief Controlling Revenue Authorities.

WHEREAS it is expedient to declare and consolidate the law relating to the local extent of the general Regulations and Acts, and the local limits of the jurisdictions of the High Courts and Chief Controlling Revenue Authorities: it is hereby enacted as follows:—

Preamble.

GENERAL REGULATIONS AND ACTS.

1. The existing general Regulations of the Bengal Code relating to the Lower Provinces of the Presidency of Fort William and the existing general Acts of the Governor General of India in Council extend to all the territories now subject to the Lieutenant Governor of Bengal, except the Districts and tracts of country mentioned or referred to in the first schedule hereto annexed.

Lower Provinces.

2. The existing general Regulations of the Bengal Code relating to the North-Western Provinces of the Presidency of Fort William and the existing general Acts of the Governor General of India in Council extend to all the territories now subject to

North-Western Provinces.

the Lieutenant Governor of the North-Western Provinces, except the province, jágír and tracts of country mentioned or referred to in the second schedule hereto annexed.

3. The existing general Regulations of the Madras Code and the existing general Acts of the Governor General of India in Council extend to all the territories now subject to the Governor of Madras in Council, except the tracts of country referred to in the third schedule hereto annexed.

Madras Presidency.

4. The existing general Regulations of the Bombay Code and the existing general Acts of the Governor General of India in Council extend to the places mentioned in the fourth schedule hereto annexed.

Bombay Presidency.

HIGH COURTS.

5. The jurisdiction and powers of the High Court of Judicature at Fort William extend to all the territories for the time being under the government of the Lieutenant Governor of Bengal, except those mentioned in the following enactments, namely:—

High Court, Fort William.

Bengal Act No. IV of 1863 *(to amend Act XXII of* 1860, *to remove certain tracts on the eastern border of the Chittagong District from the jurisdiction of the tribunals established under the general Regulations and Acts)*,

Act No. XVI of 1869 *(to exclude the ordinary Civil Courts from the cognizance of suits relating to land in the Bhután Dwárs, and for other purposes)*, and

Act No. XXII of 1869 *(to remove the Gáro Hills from the jurisdiction of the tribunals established under the general Regulations and Acts and for other purposes)*.

6. The jurisdiction and powers of the High Court of Judicature of the North-Western Provinces of the Presidency of Fort William extend to all the territories for the time being subject to the Lieutenant Governor of the North-Western Provinces.

High Court, North-Western Provinces.

7. The jurisdiction and powers of the High Court of Judicature at Madras extend to all the territories for the time being subject to the Governor of Fort St. George in Council.

High Court, Madras.

8. The jurisdiction and powers of the High Court of Judicature at Bombay extend to the Districts or parts of Districts mentioned in the fourth schedule hereto annexed.

High Court, Bombay.

REVENUE AUTHORITIES.

9. The jurisdiction and powers of the Sadr Board of Revenue of the Lower Provinces extend to all the territories for the time being subject to the Lieutenant Governor of Bengal, except those mentioned in the following enactments, namely:—

Board of Revenue, Lower Provinces.

Bengal Regulation XII of 1805 *(for the settlement and collection of the public revenue in the Zillah of Cuttack, including the Pergunnahs of Puttespore, Kummardichour, and Bograe, at present included in the Zillah of Midnapore)*, sections thirty-six and thirty-seven,

Act No. X of 1857 *(to amend Act XXXVII of* 1855, *to remove from the operation of the general Laws and Regulations certain Districts inhabited by Sonthals and others, and to place the same under the superintendence of an officer to be specially appointed for that purpose)*,

Bengal Act No. IV of 1863 *(to amend Act XXII of* 1860, *to remove certain tracts on the eastern border of the Chittagong District from the jurisdiction of the tribunals established under the general Regulations and Acts)*.

Act No. XXII of 1869 *(to remove the Gáro Hills from the jurisdiction of the tribunals established under the general Regulations and Acts and for other purposes)*.

10. The jurisdiction and powers of the Sadr Board of Revenue of the North-Western Provinces extend to all the territories for the time being subject to the Lieutenant Governor of the North-Western Provinces.

Board of Revenue, North-Western Provinces.

11. The jurisdiction and powers of the Board of Revenue of Madras extend to all the territories for the time being subject to the Governor of Madras in Council.

Board of Revenue, Madras.

12. Subject to the provisions of Act No. XVII of 1842, *(relative to the number and powers of the Revenue Commissioners under the Presidency of Bombay)* the jurisdiction and powers of the Revenue Commissioners of the Northern and Southern Divisions of the Presidency of Bombay extend to the places mentioned in the fourth schedule hereto annexed.

Revenue Commissioners of Divisions, Bombay.

MISCELLANEOUS.

13. Nothing herein contained shall be deemed to affect the existing constitution of Districts, or of the several Courts and revenue offices subordinate to the High Courts and Sadr Boards of Revenue or other chief controlling Revenue Authorities respectively in the territories comprised in this Act.

Saving of present Districts.

14. The Governor General in Council generally, and the Local Government within the territories subject to its controul, shall have power from time to time to alter the limits of existing Districts, and to vary the local limits of the jurisdictions of the Revenue Authorities and of the Civil and Criminal Courts subordinate to the High Court.

Power to alter limits of Districts.

15. The Local Government may from time to time appoint officers to administer civil and criminal justice and to superintend the settlement and realization of the public revenue and of all matters relating to rent within the Districts and parts of Districts mentioned or re-

Power to appoint officers to administer scheduled tracts.

ferred to in the first, second and third schedules to this Act annexed,

and, in case the jurisdiction and powers of the High Court extend to such Districts and parts of Districts, may from time to time determine to what extent the decisions of such officers shall be final, and when an appeal shall lie to the High Court.

All officers so appointed shall, in the matter of the administration and superintendence aforesaid, be subject to the controul of the Local Government, and be guided by such instructions as the Local Government may from time to time issue.

Place of imprisonment or transportation.

16. Any person liable to be imprisoned or to be transported beyond sea under any order or sentence passed by any officer appointed under section fifteen, may be imprisoned in such jail or transported to such place as the Local Government shall direct.

Questions of disputed boundary.

17. Whenever any question arises whether any place falls within the boundary of any of the Districts and parts of Districts mentioned or referred to in any of the said schedules, such officer, as the Local Government shall from time to time appoint, may consider and determine on which side of the boundary such place lies, and the order made thereon by such officer shall be final.

Indemnity-clause.

18. All persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had then been in force, and no suit or other proceeding shall be maintained against any such person in respect of anything so done.

Saving of 28 Vic., chapter 15, section 3.

19. Nothing in this Act shall be deemed to affect the power conferred on the Governor General of India in Council by the Statute twenty-eighth of Victoria, chapter fifteen, section three.

Repeal of enactments.

20. The enactments mentioned in the fifth schedule to this Act annexed are repealed to the extent specified therein.

SCHEDULE I.

The Districts comprised in the Assam and Cooch Behar Divisions, the Cachar District, and the tracts of country specified in the following enactments, namely:—

Act No. XXII of 1869 (*to remove the Gáro Hills from the jurisdiction of the tribunals established under the general Regulations and Acts and for other purposes*),

Bengal Act IV of 1863 (*to amend Act XXII of* 1860, *to remove certain tracts on the eastern border of the Chittagong District from the jurisdiction of the tribunals established under the general Regulations and Acts*),

Act No. X of 1857 (*to amend Act XXXVII of* 1855),

Bengal Regulation XIII of 1833 (*for abolishing the Courts of Dewanny Adawlut of the Zillahs of Ramghur and Jungle Mahals, and for providing Special Rules for the superintendence of certain tracts of country at present included in the Zillahs of Ramghur, Jungle Mahals and Midnapore*),

and Bengal Regulation XII of 1805 (*for the settlement and collection of the public revenue in the Zillah of Cuttack, including the Pergunnahs of Puttespore, Kummardichour, and Bograe, at present included in the Zillah of Midnapore*).

SCHEDULE II.

The province of Kumaon, the Ajmere, Jhánsí, Lullutpore and Jaloun Districts, the jagheer near Teroha granted to His Highness Amrut Rao and the tracts of country specified in the following enactments, namely:—

Act No. XIV of 1861 (*to remove certain tracts of country in the Rohilkund Division from the jurisdiction of the tribunals established under the general Regulations and Acts*),

Act No. XIX of 1864 (*to remove certain tracts of country in the District of Mirzapore from the jurisdiction of the local Courts*),

and Bengal Regulation XXII of 1812 (*for exempting certain Territories and Jaghires situated on the borders of the Zillah of Bundlecund from the operation of the general Regulations, and for annexing to that Zillah certain lands formerly composing a part of the Jaghire of the Killadar of Calenger*).

SCHEDULE III.

The tracts of country specified in Act No. XXIV of 1839 (*for the administration of justice and collection of the revenue in certain parts of the Districts of Ganjam and Vizagapatam*).

SCHEDULE IV.

SURAT ZILLAH.

The city and port of Surat, and town of Randier, and their dependencies.

The pergunnah of Chourasee.

The pergunnah of Chiklee.

The eight pergunnahs of Bulsar, Parneira, Bhootsur, Parchol, Soopa, Surbhan, Walor, and Boharee.

The Kusba of Bardolee.

The three villages of Kuttergaum, Koomarea and Phoolpara.

The pergunnah of Currode.

The pergunnah of Bhugwara.

The pergunnah of Turkeysir.

The Kusba of Mota.

The village of Mugnula, with some adjoining lands of the village of Peeplod.

The pergunnah of Oolpar.

BROACH ZILLAH.

The pergunnahs of Hansot and Oklasur.

The town and pergunnah of Broach.

The three pergunnahs of Jumbooseer, Ahmod, and Dejbara.

EASTERN ZILLAH, NORTH OF THE MYHEE (KAIRA.)

The tuppa of Naupar.

The inám town of Kaira, and its dependencies.

The three pergunnahs of Neriad, Mahtur and Moondha.

Sixteen villages of Dholka, east of the Saburmutty river.

The pergunnah of Kúpurwunj.

The tuppa of Bahlej.

The four villages of Sundana, Antrolee, Wasna, and Kurnej.

The five pergunnahs of Mahmoodabad, Antrolee, Alena (except the two villages of Nikol and Sanoda), Tasra and Duskuroee, to the east of the Kharee river.

The paishwa's share of the Pitlaud pergunnah.

The town of Oomrut.

WESTERN ZILLAH, NORTH OF THE MYHEE (AHMEDABAD.)

The three pergunnahs of Dundooka, Ranpoor, and Gogo.

The pergunnah of Dholka, except sixteen villages which are east of the Saburmutty river.

The city of Ahmedabad.

The Duskuroee pergunnah, to the west of the Kharee river.

The pergunnah of Veerumgaum.

The two villages of Nikol and Sanoda, in the Alena pergunnah.

The pergunnah of Purantej.

The Paishwa's share of the districts of Byar, Hursol, and Morassa.

ZILLAH OF THE NORTHERN KONKAN.

The islands of Salsette and Caranjah and their dependencies.

The districts of Bellapoor, Autgaum and Kalian, and all the other territories of the Paishwa Bajee Row, extending north of those districts as far as the Damaun river, and lying between the ghauts and the sea.

The territories of the Paishwa Bajee Row, extending south of the districts of Bellapoor, Autgaum and Kalian, as far as the Apta river, and lying between the ghauts and the sea, with the exception of the town of Apta and the villages of Korulwaree and Sendapoor in the Kurnala talooka.

So much of the Voorwuleet turuf, north of the Apta, as belonged to the State of Colaba with the exception of the following ten villages, and twenty-five khars:

Villages.—Woolvie, Turghur, Dapolee, Kopur, Pohee, Parengur, Koondeywal, Masor, Awrey, and Gowan.

Khars.—Nandaee Neemba, Khar Wasunee, Hurrichundur Peemplee, Kaljee Gobur, Booreyboozoorg, Band Khar, Khat Khar, Waltee Mhalaee, Sonkhar, Bhangaree-boozoorg, Rel-Khar, Pond Khar, Shemptee Waltee, Danwacha-Kota, Chiklee-bhom, Motee Khar, Ranjun Khar, Hurischundurkota, Gowendee, Boree-khoord, Boree-cha-kota, Kopur, and Pota-cha-moonh.

So much of the Toongartun Muhal, north of the Apta, as belonged to the State of Colaba, with the exception of the village of Wat.

The four villages, Tulowrey, Chandajee, Goorvey, and Nurol, in the Vuredy turuf.

The two villages Dewroog and Khurwarboozoorg, in the Soonalee taraf.

The village Amburjey in the Sherey taraf.

The village Ambolee, in the Burey taraf.

The three villages Nitaley, Nourey, and Khyruney, in the Tulozeh taraf.

The three villages Kampoolee, Dewkur, and Bhanwuj, in the Bortee taraf.

ZILLAH OF THE SOUTHERN KONKAN.

Fort Victoria, and its nine dependent villages.

The fort and island of Sindoodroog, in Malwan, and the forts of Puddunghur, Rajkot, and Serjeekot, with the villages and lands dependent on the said forts.

The fort of Vingorla with six hundred yards around.

The rest of the valley of Vingorla.

So much of Wurar and Muloonde as belonged at the time to the State of Waree.

The territories of the Paishwa Bajee Row, bounded on the north by the Apta River, and on the south by the Karlee or Malwan River, and lying between the ghauts and the sea, with the four following exceptions:—

1*st.*—The Oonderee talooka, except the village of Khar Dolvie, which village belongs to the zillah.

2*nd.*—The three following villages in Chawool; *viz.*, Waolee, Karley, and Komprolee.

3*rd.*—The five following Warees in Chawool and Thul, *viz.*, Pakaree Rameshwur, Pakaree Bolawee, Ramajee Mahadeo, Vessajee Keshow, and Wursolee.

4*th.*—The oarts belonging to and situated without the walls of the fort of Rewdunda.

The nine following sea-coast villages in the tarafs of Ajgaum and Paut, *viz*:—

OF AJGAUM:

Raree, Arowlee, and Seerodee.

OF PAUT:

Dabolee, Kanolee, Keyloos, Mahapun with the adjoining fort of Newtee, Konchuree, and Purolen.

So much of the Toongartun taraf situated south of the Apta River, as belonged to the State of Colaba, with the exception of the village of Khuraree-boozoorg.

The two villages, Wureree and Shetolee, and the four Khars, Sonkhar, Dhadur Khar, Khar Dubaba, and Dolvie Khar, in the Humrapoor taraf.

THE PRESIDENCY.

The revenue jurisdiction of the Island of Bombay and its adjacent dependencies.

ZILA OF POONA.

The two tarafs, Havelee Poona and Kurtya Mawul.

The fifteen following villages of the taraf Kairoo Barra, *viz*:—

1. Seurey.	6. Arvee.	11. Gavurdurry.
2. Kondunpoor.	7. Dewrey.	12. Gogulwara.
3. Kullian.	8. Kamsey.	13. Kaumthurree.
4. Rahtowrey.	9. Khetcowla.	14. Khair Sewapoor.
5. Ombrey.	10. Koombosee.	15. Kelwur.

The three following villages of the taraf Moosa Khora, *viz* :—

1. Jamlee. | 2. Sonapoor. | 3. Sangroon.

The three following villages of the taraf Moota Khora, *viz* :—

1. Ambegaum. | 2. Bhowlee. | 3. Ambee.

The two following villages of the taraf Kanud Khora, *viz* :—

1. Vinjer. | 2. Antrolee.

The eighteen tarafs, Sandus, Pautus, Panbul, Maholoonga, Owsirree, Khair, Chakun Gora, Warra Ambegaum, Juneer, Wotoor, Ala, Bela, Murkhora, Kokutneer, Minneer, and Naraingaum.

The ten following villages of the taraf Kurda, *viz* :—

1. Ambee.
2. Khamboree.
3. Burradee.
4. Lowkee.
5. Nandoor Kundoomal.
6. Bhaugree.
7. Aldurrey.
8. Lingdee.
9. Ghasgaum.
10. Peempulgaum Joga.

The three tarafs, Undur Mawul, Nance Mawul, and Pour Khorey.

The thirty-two following villages of the taraf Pown Mawul, *viz* :—

1. Kureenj.
2. Ambegaum.
3. Poosanee.
4. Chandkher.
5. Keeley.
6. Sheotee.
7. Sindgaum.
8. Pawley.
9. Kurdey.
10. Sirowlee.
11. Ghewundee Alwun.
12. Aptee.
13. Kanter Kurruk.
14. Mullowlee.
15. Shewlee.
16. Aridew.
17. Shewner.
18. Bower.
19. Thoogaum.
20. Purdowree.
21. Mahagaum.
22. Koosgaum.
23. Yelsee.
24. Beburwohol.
25. Reehey.
26. Pauchaney.
27. Bersee.
28. Budowlee.
29. Arrey.
30. Ooorsee.
31. Gotowra.
32. Adaley Khoord.

The three tarafs, Kurree-Puthar, Sassor, and Soopa.

So much of the two tarafs Neer Thurree and Seerwul as lies north of the Neera River with the exception of the villages of Watar, Bhambourdy, and Goonund.

The six tarafs Indapoor, Baramuttee, Mohol, Oondurtuppa to the west of the Seena River, Bhoosey, and Teimboornee.

The four following villages of the taraf Kurkumb, *viz* :—

1. Goorsally.
2. Badulkot.
3. Kuroley.
4. Oojeenee.

The two following villages of the taraf Kathee, *viz* :—

1. Soorstee. | 2. Shunkurgaum.

The three tarafs, Sholapoor, Ahirwaree, and Mundroop.

The five following villages denominated the Summot Phootgaum, *viz* :—

1. Undal.
2. Mooranchee.
3. Nerkher.
4. Darphul.
5. Mungrool.

The seven tarafs, Indee, Taumba, Hiperga, Julwud-Kokutnoor, Almela, Burdool, and Ooklee.

The three following villages of the taraf Havelee Beejapoor, *viz* :—

1. Ookmunhal. | 2. Kowlga. | 3. Ahleabad.

The four following villages of the taraf Hortee, *viz* :—

1. Ranjunhal.
2. Minchunhal.
3. Teelihal.
4. Kyatilkeery.

The Kusba of Sindghee.

The five following villages of the taraf Honwar, *viz* :—

1. Ramteerut.
2. Yeteenhal.
3. Arahullee.
4. Kultowteghee.
5. Ghonusghee.

The seven following villages of the taraf Antee, *viz* :—

1. Arulhuttee.
2. Ubeehal.
3. Tungurree.
4. Mungsoola.
5. Bulgheree.
6. Sumbarga.
7. Bemunhal.

The two following villages of the taraf Hulsinghee, *viz* :—

1. Bhutgoonkee. | 2. Goteehal.

The three following villages, *viz* :—

1. Awurkor. | 2. Heeney Pursulghee. | 3. Soorpal.

The two tarafs, Tallicotta and Nalitwaur.

The kusba of Bhaghewaree, and the two villages of Musbinhal and Yerwaul.

The three following villages in the taraf Mohumudpoor, *viz* :—

1. Jynapoor.
2. Boodenee.
3. Goorodhal.

The village of Bhaganuggur, taraf Sednak.

The seven following villages of the taraf Chimulghee, *viz* :—

1. Disulkop.
2. Mijurkop.
3. Mookarteehal.
4. Golsinghee.
5. Ghurree.
6. Liklewaree.
7. Maundghee.

ZILLAH OF AHMEDNUGGUR.

(Ahmednuggur Collectorship).

Barsee Panch Muhals.

The Paishwa's share of the pergunnah Dokey.

The village of Wagholey in the Dharoor pergunnah.

So much of the pergunnah Havelee-Purinda as lies west of the Seena River, and the village of Sonaree to the east of the said river.

The two pergunnahs of Jamkhair and Wanghee.

The Paishwa's share of Praunt Kurrewureet, and that part of the Nizam's share which lies west of the Seena River.

The Paishwa's share of the Ashtee pergunnah and the taraf Manoor.

The two tarafs Nuggur Havelee and Ranjungaum.

The pergunnah Parnair.

The nine following villages in taraf Belhey, *viz* :—

1. Dowulgaum.
2. Orngaum.
3. Kurnjowna.
4. Babra.
5. Kolgaum.
6. Seedoree.
7. Oookurgaum.
8. Eesapoor.
9. Andulgaum.

The two pergunnahs of Kurdah and Neywassa, except the village of Julkey.

The two tarafs Ganjih-Bhoeera and Wawrud.

The pergunnah Baragaum Nundoor.

The Paishwa's share of the two pergunnahs Byazpoor and Gandapoor, together with the village of Taklee.

The pergunnah Sungumnair, together with the three kusbas of Rhatch, Phooltamba, and Whawa.

The thirteen pergunnahs, Dandurphul, Kotool, Ankola, Sinnur, Khoombaree, Patoda, Nassik, Trimbuk, Waghera, Wunnee, Deendoree, Shewgaum, and Chandor.

(Khandesh Collectorship).

The thirteen pergunnahs, Lulling, Songer, Nher, Amulner, Betawud, Dhangree, Gurondol, Jullod, Chundshuhr, Bhurgaum, Bhal, Ootran and Muswa.

The pergunnah Pachora (which belongs to Sindia, but is governed by the British).

The taraf Lohara-Havelee (which belongs to Sindia, but is governed by the British).

The taraf Sangwee, in the Lohara pergunnah.

The five pergunnahs, Sendoornee, Chaleesgaum, Rajdesh, Mahumbaraee, and Manikpoory.

The eighteen following villages of the Kunna pergunnah, *viz* :—

1. Rolter.
2. Rohilla.
3. Porkree.
4. Mulligaum.
5. Champaneer.
6. Heengunney.
7. Nyadomgree.
8. Sahkegaum.
9. Kudrey.
10. Kunedee.
11. Julgaum.
12. Jamdee.
13. Toonvuney.
14. Pullasgaum.
15. Malpoor.
16. Vetulpoor.
17. Mukrundurpoor.
18. Nursingpoor.

The two kusbas of Ranjungaum and Jateygaum.

The twenty-one pergunnahs, Galna, Chikulwal, Tokrah, Jorgah, Lohonair, Wakaree, Sandus, Jayteypoor, Pissol, Tilwur, Koralee, Otoor, Pala, Hutghur, Kunnassee, Pimpla, Pimpulnair, Dhywul, Warsa, Bhamain, Nowapoor, and the three pergunnahs Nundoorbar, Sooltanpoor, and Kookurmoondah, with the exception of the villages mentioned in the schedule annexed to Act XI of 1846.

The three kusbas of Pankera, Oomurputta, and Chowpala.

The principality of Akranee.

The pergunnah of Choprah (which belongs to Sindia, but is governed by the British).

The two pergunnahs of Thalner and Amba.

The kusba of Sindwa.

The pergunnah of Yawul (which belongs to Sindia, but is governed by the British).

The two pergunnahs of Arawud and Sowda.

The village of Changdeo.

The pergunnah of Rawer, including the taraf of Pal.

The four pergunnahs of Nusserabad, Jamnair, Bhoodwur, and Bornar.

The thirteen following villages of the Kunner pergunnah :—

1. Chicklethan.
2. Hutnoor.
3. Bansendry.
4. Wuddaly.
5. Bhokurgaum.
6. Solegaum.
7. Baboolkhera.
8. Jowoolkee.
9. Garagaum.
10. Khuwitkehra.
11. Ansul.
12. Bahagaum.
13. Bhokungaum.

The three following detached villages from the pergunnah of Edulabad :—

1. Witwa.
2. Melsanguy.
3. Managaum.

The village of Unterkhera detached from the pergunnah of Jynabad.

The thirty-two pergunnahs Dharwar, Nowlgoond, Gudug, Bunkapoor, Siggaon, Hangul, Adoor, Misserrecotah, Old Hoobly, New Hoobly, Eyurnee, Goottul, Kagenellee, Kode, Herekeroor, Chickkeroor, Cooppelroor, Tilwully, Khanapoor, Moorgode, Bagulkotah, Rollee, Beelgee, Badamee, Keroor, Moodkuvee, Hoongoond, Nundwargee, Indee, Taumba, Hiperga, and Jalwadkotnoor.

Pergunnah Karduga (with the exception of the villages of Sawlgaon, Balihully, Jogeswere, Kondoor, Woginkeree, Indoor, Urshenageree, and Honagoond, included in the Sonda province, under the Madras Presidency, Yareeboodihall, belonging to Chintamun Row Sahib Sangleekur; Yellapoor, belonging to Madhew Row Sahib Meritchkur; and Savanoor, Holunhully, Chilloor, Tobuda-Hoolikutty Gubboor, Munkutty, Jekinkutty, Toroor, Siddapoor, Yekkeekhope, Cubbanoor, Wuddinakope, Naikeroor, Tendoor Munoor, Meerulkutty, Dommur-Muttoor, Moolkerry, Madapoor, Busavunkope, Chundapoor, Kulliwal, Nundihully, Honneekope, and Soorupakutty, belonging to the Nuwab of Savanoor).

Pergunnah Nirsungee (with the exception of the villages of Warulugee, and Woneekerry, included in the Sonda province, under the Madras Presidency).

Pergunnah Turus (with the exception of the villages of Balinhully and Kulkeree, included in the Sonda province, under the Madras Presidency).

Pergunnah Pachapoor (with the exception of the villages of Bussapoor, Huggedahall, Urlekutty, Seroor, Shahbundur, Islampoor, and Ghootgoody, belonging to the Rajah of Colapore: Toommurgooddy and Hurunkolla, belonging to Chintamun Row Sahib Sangleekur; and Boodihall and Mulbemurdee, belonging to Rughoonath Row Sahib Koorund Warkur).

Pergunnah Ranee Bednore (with the exception of the village of Mun-Milar, included in the Bellari District, under the Madras Presidency).

Pergunnah Ruttehully (with the exception of the village of Ookudgutree, belonging to the Rajah of Mysore).

Pergunnah Mausoor (with the exception of the villages of Khuwaspoor and Gooludhully, belonging to the Rajah of Mysore).

Pergunnah Almella (with the exception of the villages of Haukoanhully and Moorganoor, belonging to the Soorpoor Rajah, Nizam's territories).

Pergunnah Burdole.

Pergunnah Talicottah (with the exception of the villages of Bhuttnoor, Tuggurtuggee, Allapoor, Nagavee-Allapoor, Narainapoor, Holikeree, and Vudgerree, belonging to the Soorpoor Rajah, Nizam's territories).

Pergunnah Nalitwaur (with the exception of the villages of Mudlingud-hully, Kolegoodah, and Busapoor, belonging to the Soorpoor Rajah, Nizam's territories).

The six tarafs Carkope, Marudagee, Oogurgole, Morub, Medlary, and Vutnal.

The twenty-two Kurryats Ameenbhavee, Narendur, Devur-Hoobly, Tudkode, Eckoondee, Bettigerah, Umbudgutty, Sumpgaon, Bagewadee, Kardulvully, Golehully, Nundgurb, Hulsegee, Kuckeree, Karlugee, Lokolee, Munolee, Muztee, Yellee-Munolee, Sudalgah, Sindogee, and Suttigerree.

Kurryat Nesurgee (with the exception of the village of Mudunbhavee, belonging to Siddojee

Row Naik Nimbalkur, Sur-Lushkur, *alias* Nepanekur).

Kurryat Belwadee (with the exception of the village of Doddwar, belonging to the Chintamun Row Sahib Sangleekur).

Kurryat Kubboor (with the exception of the village of Belakode, belonging to Siddojee Row Naik Nimbalkur, Sur-Lushkur, *alias* Nepanekur).

The five summits Tegoor, Kulkeree, Kulghutge, Bommeekutty, and Toombah.

The twelve villages under the Fort of Kullanideegurh.

Fort of Heree Gundhurvgurh and its dependencies.

Fort of Gudjendragurh and its dependencies.

The five following villages of the pergunnah Nurgoond, *viz* :—

1. Tudahal.	3. Auchmutty.	5. Revudekope.
2. Kurkeecutty.	4. Gooloogoondee.	

The thirteen following villages of the pergunnah Govincopp, *viz* :—

1. Benkuncopp.	6. Khanapoor.	10. Hurlapoor.
2. Urshingode.	7. Mudgoonkee.	11. Govuncopp.
3. Hunchinall.	8. Gobburgoompee.	12. Mullapoor.
4. Hudgulee.	9. Bettud Koosogul.	13. Javoor.
5. Coorulgery.		

The four following villages of the pergunnah Azumnugur, *viz* :—

1. Kusba Belgaon.	3. Sindolee.
2. Hindulgee.	4. Munnoor.

The eight following villages of the pergunnah Shapoor, *viz* :—

1. Koodchee.	4. Dhamnee.	7. Moduga.
2. Kunabergee.	5. Moochundee.	8. Chundgurn.
3. Chundunhosoor.	6. Yulebile.	

The village Chickwudavully of the pergunnah Sirhutty.

The seven following villages of the pergunnah Lutchmesswer, *viz* :—

1. Sunkleepoor.	4. Humigee.	6. Mullikarzunpoor.
2. Budnee.	5. Goommagole.	7. Chakinkeree.
3. Vittulapoor.		

The village of Boodihal of the pergunnah Coondgole.

The village of Algoondee of the pergunnah Machucknoor.

The seven following villages of the pergunnah Ooklee, *viz* :—

1. Kusba Ooklee.	5. Nundeehall.
2. Mungolee.	6. Yembutnahall.
3. Coomutgee.	7. Hutturkeehal.
4. Bissulhall.	

The four following villages of the pergunnah Hortee, *viz* :—

1. Rajunhal.	3. Teelihal.
2. Minchunhal.	4. Kyatunkerry.

The five following villages of the pergunnah Honwar, *viz* :—

1. Ramteerut.	3. Arahullee.	5. Ghonusghee.
2. Yeteenhal.	4. Culkowteghee.	

The three following villages of the pergunnah Bagewadee, *viz* :—

1. Kusba Bagewadee.	2. Musbinahall.	3. Yernal.

The nine following villages of the pergunnah Alnee, *viz* :—

1. Arulhuttee.	4. Mungsoola.	7. Bomunhal.
2. Ubeehal.	5. Bulgheree.	8. Mudhabhavee.
3. Tungurree.	6. Sumbarga.	9. Partunhullee.

The village of Bhuhtgoonkee, of the pergunnah Hulsinghee.

The village of Awurkore, of the pergunnah Gurrikokutnoor.

The village Pursulghee, of the pergunnah Bidurree.

The following village of the pergunnah Ghote, *viz* :—

Soorpah.

The seven following villages of the pergunnah Chimulghee, *viz* :—

1. Bisalkop.	4. Golsinghee.	6. Siklewaree.
2. Muzurekop.	5. Ghunee.	7. Marudghee.
3. Mookarteehall.		

The village of Bhagannugur, of the pergunnah Siddanath.

The two following villages of the pergunnah Mohumudapoor, *viz* :—

1. Jynapoor. | 2. Boodenee.

The two following villages of the pergunnah Terdhall, *viz* :—

1. Suputa Saugur. | 2. Khemlapoor.

The three following villages of the pergunnah Mungulwehda, *viz* :—

1. Kuvatholy. | 2. Donuz. | 3. Umbeh.

The village Konnoor, in the pergunnah Jumkhundy.

The four following villages of the pergunnah Vittul Vishram, *viz* :—

1. Rajgotee.	3. Sooppeh.
2. Coondanoor.	4. Toorkewadee.

The six following villages of the pergunnah Moolgoond, *viz* :—

1. Bundawar.	3. Hossoor.	5. Sittaulhurree.
2. Cunavee.	4. Bussapoor.	6. Serooz.

The four following villages of the taraf Konnoor, *viz* :—

1. Heerecopp.	3. Hagnoor.
2. Humpiholee.	4. Belleree.

The four following villages of the taraf Sanklee, *viz* :—

1. Kelileh.	3. Holludeh.
2. Mendileh.	4. Tanahee.

The three following villages of the taraf Munnery, *viz* :—

1. Mirvale. | 2. Morule. | 3. Wadee.

The two following villages of the taraf Hurlapoor, *viz* :—

1. Nursapoor. | 2. Vobulapoor.

The village Rokudkutty of the taraf Bunnoor.

The three following villages of the Kuryat Usoondee, *viz* :—

1. Usoondee. | 2. Kurekutty. | 3. Koorwuncopp.

The fourteen following villages of the Kuryat Hoolee, *viz* :—

1. Kusba Hoolee.	6. Rottigawad.	11. Tooppudacoorhutty.
2. Cuplee.	7. Udanoor.	12. Yamgull.
3. Munikutty.	8. Dadericopp.	13. Hooleekutty.
4. Belwunkee.	9. Bingudakutty.	14. Sortoor.
5. Kouzagerry.	10. Konkancoozhutty.	

The three following villages of the Kuryat Ingulhully, *viz* :—

1. Nulwudee. | 2. Moollahully. | 3. Sirgooppee.

The two following villages of the Kuryat Hebbly, *viz* :—

1. Kusba Hebbly. | 2. Sevully.

The three following villages of the Kuryat Udgul, *viz* :—

1. Nippunhall. | 2. Uluknoor. | 3. Beerunhall.

The twenty following villages of the Kuryat Sholapoor, *viz* :—

1. Kusba Sholapoor.	8. Honnolee.	15. Sunkesswere.
2. Naganoor.	9. Konunkeree Pimpulgaon.	16. Tuvdee.
3. Goodeecooppee.	10. Kunagulla.	17. Booktialoor.
4. Hurgapoor.	11. Hittnee.	18. Unklay.
5. Kuruzgee.	12. Rasingkhoord.	19. Bakunhal.
6. Shendoor O'Rasing Boozoorg.	13. Hudulageh.	20. Baur.
7. Shenkinhosoor.	14. Bhuhirapoor.	

The nine following villages of the Kuryat Saongaon, *viz* :—

1. Benodee.	4. Ronganolee.	7. Audee.
2. Huddanal.	5. Soolgaon.	8. Suwadulga.
3. Muttiwad.	6. Bhatnagnoor.	9. Hunchinhall.

The eighteen following villages of the Kuryat Laut, *viz* :—

1. Chinchanee.	7. Pudlehal.	13. Uckole.
2. Jettrat.	8. Lukhnapoor.	14. Muhumudapoor.
3. Nahingalez.	9. Guhwan.	15. Booddulmookh.
4. Hoonurgee.	10. Boodihall.	16. Roomtolee.
5. Siddunhal.	11. Kodanee.	17. Pangureh.
6. Yernal.	12. Coorlee.	18. Girgaon.

The seven following villages of the Kuryat Naiz, *viz* :—

1. Mowza Chickoree.	3. Gulutgah.	6. Naiz.
2. Pett Chickoree.	4. Kothely.	7. Koonnoor.
	5. Ummangee.	

The thirteen following villages of the Kuryat Nesuree, *viz* :—

1. Pett Duddee.	6. Moduga.	10. Beelkee.
2. Auludhal.	7. Naganoor.	11. Sulamwadee.
3. Uttehal.	8. Khuvunewadee.	12. Kote.
4. Ramewadee.	9. Shettihully.	13. Dhondgutty.
5. Bedurewadee.		

The village Baganee of the Kuryat Doodgaon.

The three following villages of the taraf Havelee Beejapoor, *viz* :—

Ookmunhal. | 2. Kowlga. | 3. Ahleabad.

The twenty-six following villages of the Tuppeh Changurh, *viz* :—

1. Kusba Chandgurh.	9. Kolendra.	18. Eesapoor.
2. Kodolee.	10. Adoor.	19. Konewadee.
3. Bagulga Dookurwadee.	11. Naundurida.	20. Oomgaon.
4. Sipoor.	12. Ussgaon.	21. Navga.
5. Savurda.	13. Soolye.	22. Pilnee.
6. Goolwuda.	14. Humbera.	23. Jambera.
7. Vagothurr.	15. Khamdul.	24. Nuhurelee.
8. Manugaon.	16. Paurla.	25. Bhogolee.
	17. Kokura.	26. Kolendra.

The four following villages of the Prant Raibaug, *viz* :—

1. Uckewat. | 2. Nauguz. | 3. Inglee. | 4. Unkalee.

The twenty-eight following villages of the Prant Miritch, *viz* :—

1. Huttanoor ...	...	Kuryat Tauzgaon.
2. Coodchee ...	...	Do. Mysal.
3. Chundoor ...	...	
4. Qusba Issapoor	...	
5. Chickul Gothun	...	Do. Issapoor.
6. Nunbulkeh	...	
7. Bedug ...	...	Do. Beduga.
8. Goondewadee	...	
9. Gourwad ...	...	
10. Aoorwad ...	...	Do. Sirhutty.
11. Tauklee ...	...	
12. Brumhanal	...	Do. Sanglee.
13. Pudamaul ...	...	
14. Toong ...	...	Do. Deguruz.
15. Hingungaon	...	Do. Kaotah Mahunkaul.
16. Dhamnee ...	...	Do. Havelee.
17. Vasumba ...	...	Do. Kaotah.
18. Zurundee ...	...	Do. Anjunee.
19. Kowluga ...	...	Do. Sawurde.
20. Curolee ...	...	Do. Desing.
21. Shipoor ...	...	Do. Ainapoor.
22. Bekeeree ...	...	
23. Rajapoor ...	...	
24. Nundeekoorlee	...	
25. Keroor ...	...	Do. Joogul.
26. Yedoor ...	...	
27. Kullholey ...	...	
28. Shahapoor ...	...	

The following village of the Prant Kagul, *viz* :—

Mauzurree.

The thirty-eight following villages, not belonging to any particular pergunnah or other territorial division, *viz* :—

1. Sowndutty.	15. Hoolginhal.	28. Ettagee.
2. Kotewada.	16. Kearcopp.	29. Gundhigwad.
3. Halkoosoogal.	17. Guzputty.	30. Toligee.
4. Culkeree.	18. Gadeekopp.	31. Qusba Hoockeree.
5. Mulligwad.	19. Huttiholee Khoord.	32. Pett Hoockeree.
6. Moogulkhan Hoobly.	20. Alaguncopp.	33. Choolakee.
7. Umrapoor.	21. Bogoor.	34. Goruvbal.
8. Veerapoor.	22. Dausticopp.	35. Kuggudhal.
9. Hundoor.	23. Hootikottul.	36. Gorwunkolla.
10. Tulwarcopp.	24. Budus.	37. Bussedonee.
11. Marguncopp.	25. Coockadolly.	38. Sindugee.
12. Kusmulgee.	26. Jeeknoor.	
13. Umbegapoor.	27. Devur Sigehully.	
14. Beelamurree.		

The tract of country, comprising certain lands on the Mahabuleshwur Hills, inclusive of the village of Paur (with the exception of the fort of Purtabghur and its established lands), ceded by the Rajah of Sattara under a treaty with the British Government, and such part of the road, with a space of two hundred English yards on each side thereof, leading from the boundary of the aforesaid cession to the top of the Paur Ghaut as may not be within the limits of the aforesaid village of Paur, the extent, measurement, and bearings of which are particularized in the map and schedule annexed to the aforesaid treaty.

The whole village of Moja Assood, taraf Jalgaum, talooka Severndroog, Zillah Rutnagurree.

Half village of Moja Patamsaee, taraf Nagotana, talooka Sanksea, zillah Tannah. Whole village of Moja Khanley, taraf Pen, talooka Sanksea, zillah Tannah.

1. Village of Deeghatee.	Taraf Ourwullut, talooka Panwell, zillah Tannah.
2. Do. of Sau.	
3. Do. of Kasarbhat.	
4. Do. of Kelwaney.	
5. Do. of Poonadey.	
6. Do. of Rawey.	
Names of the Khars.	
1. Sau Khar.	
2. Sukum Khar.	
3. Doobanee Khar.	
4. Bhungaree Khoord Khar.	
5. Tarbund Khar.	
6. Bhumgaree Chakota Khar.	
7. Antra Bamda Khar.	
8. Antra Boodrook Khar.	
9. Bhundar Khar.	
10. Tullay Khar.	
11. Josu Khar.	
12. Rawey Khar.	

THE LAPSED JAGHEER OF CHINCHNEE.

Pergunnah Neergoondee.

1. Kusba Neergoondee.	10. Moje Eettgee.
2. Moje Hebbal.	11. „ Rajnal.
3. „ Keersal.	12. „ Bidnal.
4. „ Abbihal.	13. „ Koorganoor.
5. „ Yelgoor.	14. „ Aldinnee.
6. „ Kasimkoontee.	15. „ Gonal.
7. „ Boodihal.	16. „ Katapoor.
8. „ Musootee.	17. „ Dewlapoor.
9. „ Moodepoor.	18. „ Murikuttee.
	19. „ Neerulbhavee.
	20. „ Aresbunker.
	21. „ Wadwadgee.

Pergunnah Chandkowte.

1. Kusba Chandkowte.	7. Moje Daberee.
2. Moje Chutterkee.	8. „ Eetunhullee.
3. „ Roogee.	9. „ Gugunhullee.
4. „ Moolsawulgee.	10. „ Solapoor.
5. „ Aheree.	11. „ Hunchinal.
6. „ Jumbgee.	12. „ Kurulwar.
	13. „ Umkulgee.

Pergunnah Ooklee.

1. Moje Donoor.	4. Moje Kuggoor.
2. „ Neginhal.	5. „ Hurgullee.
3. „ Noollah.	6. „ Hurginhal.
	7. „ Honutgee.

Pergunnah Nuldroog.

1. Moje Kesurzuwulgee.	5. Moje Khlegaon.
2. „ Moostee.	6. „ Ebhrampoor.
3. „ Sulgur.	7. „ Kakrumb.
4. „ Arlee.	8. „ Tudwuleh.
Moje Pooluz.	Pergunnah Mohul.
„ Hurulgee.	„ Kulboorga.
„ Hottgee.	„ Ahirwaree.
„ Awrad.	„ Mundroop.
„ Moogulee.	„ Maindurgee.

Pergunnah Hortee.

1. Kusba Hortee.	13. Moje Busnal.
2. Moje Koloorgee.	14. „ Sawulsung.
3. „ Domnal.	15. „ Hulgoonkee.
4. „ Kunchinal.	16. „ Goondwan.
5. „ Muknapoor.	17. „ Sonkunhullee.
6. „ Boblad.	18. „ Koorgee.
7. „ Hudulsung.	19. „ Morusnal.
8. „ Nimbal Boodrook.	20. „ Deginal.
	21. „ Goonkee.
9. „ Nimbal Khoord	22. „ Turgoondee.
10. „ Kunnal.	23. „ Kottnal.
11. „ Bomunhullee.	24. „ Kupnimburge
12. „ Agusnal.	

Pergunnah Hulsungee.

1. Kusba Hulsungee.	15. Moje Mahnhullee.
2. Moje Yelgee.	16. „ Murgoor.
3. „ Turiwaree.	17. „ Chouryal.
4. „ Arjnal.	18. „ Hingnee.
5. „ Bhirungee.	19. „ Burgoondee.
6. „ Boodihal.	20. „ Ahersung.
7. „ Keroor.	21. „ Mailar.
8. „ Chunegaon.	22. „ Seergoor.
9. „ Anjotgee.	23. „ Anchee.
10. „ Dhoolkhur.	24. „ Mundral.
11. „ Purnoor.	25. „ Seernal.
12. „ Bewnoor.	26. „ Lonee Khoord.
13. „ Chorgee.	27. „ Bulolee.
14. „ Munn-Ankulgee	28. „ Jhulkee.

Pergunnah Bagewaree.

1. Moje Moottgee.	13. Moje Hoonshal.
2. „ Engleshwur.	14. „ Hoolbenchee.
3. „ Salwargee.	15. „ Hunchinal.
4. „ Heepurgee.	16. „ Agusbal.
5. „ Dindwar.	17. „ Ewungee.
6. „ Rubnal.	18. „ Kamunkeree.
7. „ Deginal.	19. „ Boodihal.
8. „ Tukulkee.	20. „ Oppuldinee.
9. „ Oottnal.	21. „ Nursungee.
10. „ Munoor.	22. „ Nagoor.
11. „ Hullihal.	23. „ Ambulnoor.
12. „ Kuribuntnal.	24. „ Sunknal.

Pergunnah Annigeree.

1. Kusba Annigeree.	7. Moje Untoor.
2. Moje Hullikeree.	8. „ Saidapoor.
3. „ Saswihullee.	9. „ Munjegoe.
4. „ Kondikopp.	10. „ Kawulwar.
5. „ Bussapoor.	11. „ Hullihal.
6. „ Bhudrapoor.	12. „ Bemnoor.
	13. „ Nagnoor.

Pergunnah Uthnee.

1. Kusba Uthnee.	9. Moje Yekunchee.
2. Moje Azor or Yemmihal.	10. „ Burchee.
	11. „ Koulgood.
3. „ Siroor.	12. „ Sinal.
4. „ Nagnoor.	13. „ Musurgooppee.
5. „ Jumbgee.	
6. „ Sewnoor.	14. „ Hunmapoor.
7. „ Mullabad.	15. „ Kirugeree.
8. „ Bewnoor.	

Pergunnah Honwar.

1. Kusba Honwar.	9. Moje Uluginhal.
2. Moje Kukmuree.	10. „ Babanuggur.
3. „ Bijjurgee.	11. Thana Telsung.
4. „ Kotulgee.	12. Moje Urtal.
5. „ Kohullee.	13. „ Bunnoor.
6. „ Yellihudulgee.	14. „ Kunnal.
7. „ Bargee.	15. „ Halhullee.
8. „ Aigullee.	16. „ Kunmura.

Pergunnah Gureekokutnoor.

1. Kusba Gureekokutnoor.	4. Moje Junwar.
2. Moje Suttee.	5. „ Baliwar.
3. „ Dodwar.	6. „ Korganoor.

Pergunnah Gulgullee.

1. Kusba Gulgullee.	8. Moje Hunchinal Boodrook.
2. Moje Amuljhuree.	9. „ Chowrapoor.
3. „ Koloor.	10. „ Boodnee.
4. „ Yerhullee.	11. „ Bulwulmottee.
5. „ Rubkuvvee.	12. „ Boodihal.
6. „ Gunnee.	13. „ Goolbal.
7. „ Hunchinal Khoord.	14. „ Bisnal.
	15. „ Mondugnoor.

Moje Hipurgee, pergunnah Jumkhundee.
„ Nipanee } Kuryat Latt.
„ Sergopee }
„ Belkhor, Kurryat Kubboor.
„ Mudunbhavee, Kurryat Naysurgee.
„ Seergaon (Dependent on the foot of Heeree Gundhurvghur).
„ Bhiwsee, Prant Kagul.
„ Deshoor, pergunnah Yelloor.

THE LAPSED STATE OF MANDVEE.

THE LAPSED STATE OF COLABA.

The Ghera of the Vishalgur Fort formerly belonging to the Pritinidhee of Vishalgur and comprising the following villages:—

1. Mouza Deode.	11. Wadee Udhistee.
2. Do. Bhudkumbé.	12. Do. Chinchoortee.
3. Do. Wanjolee.	13. Do. Wud.
4. Do. Kochré.	14. Mouza Moorshee.
5. Do. Veerowlee Boozoorg and Gowil.	15. Do. Bhowde.
	16. Wadee Tipowné.
	27. Khor Ninks Prudha Wulla.
6. Do. Kolé Wadee.	18. Wadee Oombrowne.
7. Do. Paloo.	19. Do. Manchal.
8. Do. Salpé.	
9. Do. Keirbet.	
10. Do. Wadee Ranjun.	

Turf Sattara.
Turf Purlee.

Turf Wundun, with the exception of the village of Sungum Mahoolee belonging to the Punt Prithinidhee.

Turf Targaon, with the exception of the village Watar entered in the accounts as belonging to the Chief of Jumkhundee.

Turf Oomruj, with exception of the following two villages:—

1. Kortee, entered in the accounts as belonging to the Punt Prithinidhee.
2. Seerwude, entered in the accounts as belonging to the Chief of Jumkhundee.

Summut Nimb.
Turf Medhey.
Turf Kedumb.
Turf Baramoorey.
Turf Koodal.
Turf Ategaon.
Turf Bamnolee.
Turf Solsey.
Turf Tamb.
Kuryat Naneghole.
Turf Tarlay.
Kuryat Tulbeed.

Turf Havellee Kurad, with the exception of the following twelve villages:—

1. Sydapoor ...	Entered in the accounts as belonging to the Punt Prithinidhee.
2. Kapeel ...	
3. Padlee ...	
4. Belowdey Wurghat ...	
5. Doosherey ...	
6. Gondee ...	
7. Ghonshee ...	
8. Kodolee ...	
9. Veerwudey ...	
10. Bichood ...	
11. Munoo ...	
12. Retray Khoord	Ditto to Sangleekur Putwurdhun.

Turf Murlee.
Turf Patun.
Turf Helwak.
Kuryat Kaseegaon.
Turf Koley.
Forts Sadasewgud, Wussuntgud, and Munchindrugud.
Turf Khuttao.
Turf Mullowdee.
Turf Duhigaon.
Turf Mhuswud.
Turf Lulgaon.
Forts of Muchimangud, Waroogud, and Wurdhungud.
Turf Dhurmpooree.
Kuryat Khanapoor.
Kuryat Mainee.
Kuryat Wangee.
Kuryat Viteh.
Kuryat Bhalownee.
Kuryat Nimsod.
Fort of Bhooshungud.
Purgunnah Kassegaon, Talooka Punderpoor.
Purgunnah Brumhupooree, Talooka Punderpoor.
Purgunnah Sangola.
Purgunnah Gherdee.
Purgunnah Nazréy.
Purgunnah Aklooj.
Purgunnah Velapoor.
Purgunnah Bhalownee, with the exception of the following five villages, entered in the accounts as belonging to the Chief of Akulkote:

1. Peeliv.
2. Shendé Chinch.
3. Shingornee.
4. Dhanorey.
5. Koosmadey.

Turf Havelee Waee.
Turf Jor Khorey.
Summut Koreygaon with the exception of the village of Kinhee belonging to the Punt Prithinidhee.
Summut Wagholee.
Purgunnah Molwad.
The parts of the following purgunnahs situated in the Collectorate of Sattara:—
Purgunnah Bejapoor.
Purgunnah Gotay.
Purgunnah Bullotee.
Purgunnah Sidhnath.
Purgunnah Mumdapoor.
Purgunnah Chimulgee.
Purgunnah Kolhar.
Purgunnah Honwad.
Purgunnah Bardole.

Purgunnah Shirala, with the exception of the village of Wategaon, entered in the accounts as belonging to Chief of Kooroondwad.

Purgunnah Atpadee, with the exception of the village Vitlapoor, entered in the accounts as belonging to the Punt Prithinidhee.

Purgunnah Mungulwedhey.

Purgunnah Shirwul, with the exception of the following villages, entered in the accounts as belonging to the Punt Sucheo:—

1. Shirwul.
2. Bowdé.
3. Kessoordee.
4. Pargaon.
5. Tondlé.
6. Sangvee.
7. Bhadé.
8. Rooee.
9. Yelké.
10. Kowté.
11. Bhadowde.

The parts of the following turfs, situated in the Collectorate of Sattara:—

Turf Sawurdey.

Turf Chiploon.

Turf Walwa, situated within the Sattara Territory, with the exception of the village Koondul, entered in the accounts as belonging to the Punt Prithinidhee.

Turf Waroon.

Turf Phultun, excepting the villages of Dalwuddee and Wakree, entered in the accounts as belonging to the Chief of Pultun.

Turf Velwund Khorey.

Turf Rohid Khorey, with the exception of the village Hatnoshee, entered in the accounts as belonging to the Punt Sucheo.

Turf Neerthudee, with the exception of the village Neerjey, entered in the accounts as belonging to the Punt Sucheo.

The parts of the following Kuryats situated within the Collectorate of Sattara:—

Kuryat Bajee.
Ditto Wudgaon.
Ditto Havelee Kolapoor.
Ditto Kodolee.
Ditto Satwa.

Kuryat Bhilowdee, with the exception of the following four villages:—

1. Nagraley.
2. Babwudey.
3. Ghogaon, and
4. Tooparee, entered in the accounts as belonging to the Chief of Sanglee.

Kuryat Sanglee.

Kuryat Doodgaon, with the exception of Bhud Kinbey, entered in the accounts as belonging to Sangleekur Putwurdhun.

Kuryat Ound, with the exception of the following eight villages:—

1. Ramapoor.
2. Viahapoor.
3. Soukeerey.
4. Pargaon.
5. Seerusgaon.
6. Chikulwahal.
7. Oound.

} Entered in the accounts as belonging to the Punt Prithinidhee.

8. Kurley. } Ditto as belonging to the Chief of Akulkote.

Kuryat Tasgaon.

Ditto Wissapoor, with the exception of the following four villages, entered in the accounts as belonging to the Chief of Sanglee:—

1. Altay.
2. Seergaon.
3. Nimb.
4. Audhullee.

Kuryat Anjvee.

Ditto Raibaug.

That part of Prant Panalla situated within the Collectorate of Sattara.

1.	Moujé Pehnoor.	5.	Moujé Akoombey.
2.	„ Bhend.	6.	„ Bembla.
3.	„ Bhutoombrey.	7.	„ Tambweh, and
4.	„ Yeotee.	8.	Kusba Kurcumb.

1.	Kusba Chimulgee.	8.	Moujé Akulwaree.
2.	Moujé Almuttee.	9.	„ Arsungee.
3.	„ Wundul.	10.	„ Benal.
4.	„ Beeruldeence.	11.	„ Ungudgeeree.
5.	„ Boodnee.	12.	„ Hungurgee.
6.	„ Hoonshall.	13.	„ Oonee Bhawee, and
7.	„ Nagwar.	14.	„ Goodheenee.

The following villages in Turf Moogul Khode:—

Moujé Goondewadee.	Moujé Palbhavee.
„ Dhuroor.	„ Kuppulgoodee.
„ Sidapoor.	„ Hulloor.
„ Kolecjood.	„ Sivapoor.
„ Yeburhuttee.	„ Khan Naikinhuttee.
„ Harogeree.	„ Moodulgee.
„ Heedkul.	„ Moonal.
„ Moogul Khode.	

The following villages in Prant Meerij:—

1.	Moujé Sonee	Kuryat Muné.
2.	„ Bhose	Rajooree.
3.	„ Bisoor	Kuryat Sunglee.
4.	„ Koopwadé	
5.	„ Hurolee, Kuryat Dessing.	
6.	„ Yerundolee	Kuryat Bedug.
7.	„ Belowkee	
8.	„ Arwundé, Kuryat Sawurdé.	
9.	„ Wudgaon, Kuryat Anjnee.	
10.	„ Kulombee, Kuryat Hawélee.	
11.	„ Shedshal, Kuryat Seerhuttee.	
12.	„ Pandegaon, Kuryat Kowté Mahankul.	
13.	Kusba Tasgaon	Kuryat Tasgaon.
14.	Moujé Toorchee	
15.	„ Padlee	
16.	„ Bhellwaddy	
17.	„ Wusgudé, Kuryat Kowté.	
18.	„ Nimnee.	

The following villages in Prant Kagul:—

1. Moujé Anklee, Kuryat Manjree.
2. „ Boorlee, Kuryat Digruj.

The following villages in Prant Rayabag:—

1. Kusba Ainapoor, Kuryat Ainapoor.
2. Moujé Hutnolee, Kuryat Nanduré.

The following village in Prant Hookéree:—

1. Moujé Mungawuttee, Kuryat Joogul.

The following villages in Prant Beejapoor:—

1.	Moujé Sheerhuttee.	Kuryat Kokutnoor.
2.	„ Nagnoor.	
3.	„ Rutnapoor.	
4.	„ Sewdee.	
5.	„ Hullihal.	

The following village in Purgunnah Kokutnoor:—

1. Moujé Mhyswadgee.

Purgunnah Yadwar with the exception of the 3 following villages:—

1. Ourwad.
2. Kulleegoodee.
3. Chippulkuttee.

Entered in the accounts as belonging to the Chief of Jumkhundee.

Kuryat Kinnee.

The following village in Turf Kannoor:—

1. Moujé Chick Tursee, Kuryat Kannoor.

The following village in Purgunnah Shahpoor:—

1. Ashte.

The following villages in Kuryat Sawurdé:—

1. Kusba Sawurdé.
2. Moujé Londe.

The following villages in Turf Phootgaum:—

1. Kusba Saoluj.
2. Moujé Dongursanee.
3. Moujé Kurowlee.

The following village in Turf Tasgaum:—

1. Moujé Poonudee.

The following village in Prant Kurad:—

1. Moujé Yelawee.

The following village in Kuryat Oochgaon:—

1. Moujé Belgoondee.

The following village in Kuryat Kagtee:—

1. Moujé Kungralee Khoord.

The following village in Turf Samburay:—

1. Moujé Niljee.

The following village in purgunnah Azumnugur.

1. Khasbag.

The following isolated villages:—

1.	Kusba Shedbal.	5.	Moujé Moorgoondee.
2.	„ Joogul.	6.	„ Tavsee.
3.	Moujé Kagwad.	7.	„ Nandgaon.
4.	„ Oogur Boodrook.		

The following villages in purgunnah Luxumeshwar:—

1.	Moujé Kullus.	5.	Moujé Beejpoor.
2.	„ Soorngee.	6.	„ Kunkapoor.
3.	„ Konheegeree.	7.	„ Kondeekope.
4.	„ Wudwee.	8.	„ Konereecope.

The following villages in purgunnah Moolgoond:—

1.	Moujé Moolgoond.	9.	Moujé Yergoopee.
2.	„ Sherool.	10.	„ Narayenpoo.
3.	„ Kaboolayet Kuttee.	11.	„ Nagurhullee.
		12.	„ Muntoor.
4.	„ Hurthee.	13.	„ Keresoor.
5.	„ Chinchlee.	14.	„ Hebsoor.
6.	„ Kulloor.	15.	„ Kurlwad.
7.	„ Chuklubbee.	16.	„ Kooruttee.
8.	„ Heerenurtee.	17.	„ ChickNurtee.

The following village in Kuryat Ingulhullee:—

1. Moujé Ingulhullee.

The following villages in purgunnah Nurgoond:

1.	Moujé Nurgoond.	8.	Moujé Somapoor.
2.	„ Byrunhuttee.	9.	„ Boorlkuttee.
3.	„ Dundapoor.	10.	„ Seedapoor.
4.	„ Kurwinkope.	11.	„ Chick Nurgoond.
5.	„ Jugapoor.		
6.	„ Moujepeit.	12.	„ Kunkeekope.
7.	„ Urbaun.	13.	„ Halgope.

The following villages in purgunnah Nowlgoond:—

1. Moujé Kooregovunkope.	2. Moujé Hoonreekuttee.

The following villages in Kuryat Seerole:—

1.	Moujé Seerole.	4.	Moujé Kullus.
2.	„ Wudwuttee.	5.	„ Lingudhal.
3.	„ Ingulgoondee.	6.	„ Boodeehal.

The following villages in Turf Konnoor:—

1.	Moujé Konnoor.	8.	Moujé Idgull.
2.	„ Arleekuttee.	9.	„ Madhagee.
3.	„ Lukmapoor.	10.	„ Bennoor.
4.	„ Goonukope.	11.	„ Ujgoondee.
5.	„ Chick Molungee.	12.	„ Bennoor.
		13.	„ Tulukwad.
6.	„ Heera Tudsee.	14.	„ Hoteehollee.
7.	„ Wasseena.	15.	„ Lingudhal.

The following villages in purgunnah Badamee:—

1. Moujé Megoor. | 2. Moujé Karamoodee.

The following village in Mahal Hoskerree:—

1. Khurlkope.

The isolated villages of Behuttee and Sungdal.

The district of North Canara with the exception of the Talooka of Cundapoor.

Parts of villages and lands ceded to the Government of Bombay for railway purposes.

Collectorate of Surat.

So much land in the villages of Kunsar, Oodhna, Vercha, Oon, and Sucheen, as was ceded by the Nawab of Sucheen.

Collectorate of Kaira.

So much land in the village of Khumbhalia as was ceded by His Highness the Guicowar.

SCHEDULE V.

ENACTMENTS REPEALED.

Part I.—Acts.

Number and year.	SUBJECT OR TITLE.	Extent of repeal.
II of 1835	Assam, Arracan and Tenasserim.	The whole.
VI of 1835	Cossyah Hills and Cachar.	The whole.
XXI of 1836	Creation of zilas, Bengal.	The whole.
X of 1838	Kumaon.	The whole.
VIII of 1839	Jagheer of Chinchnee.	The whole.
XXIV of 1839	An Act for the administration of justice and collection of the revenue in certain parts of the districts of Ganjam and Vizagapatam.	Sections one, three, four, five and six
VI of 1842	An Act for annexing to the British Territory certain villages belonging to the late Nepanee Jagheer, and acquisitions by exchange from the Sattara State, and for bringing under the Regulations an Inam village of Purgunnah Yelloor.	The whole.
XI of 1846	An Act for the exemption of certain territory in the province of Candeish and the Zillah Ahmednuggur from the operation of the General Regulations.	All except the Schedule.
X of 1848	An Act for annexing the lapsed State of Mandvee to the Presidency of Bombay.	The preamble, section one, section two down to and including the figures and word '1827, that,' section three and the schedule.
VIII of 1853	An Act for bringing the lapsed State of Colaba under the laws of the Presidency of Bombay.	The preamble and sections one and three.
XIII of 1853	An Act for bringing under the operation of the Regulations and Acts in force in the Presidency of Bombay certain territories subordinate to that Presidency.	The whole.
XVII of 1853	An Act to repeal Regulation VII of 1816, and to declare the law which is to be in force in the tract of land granted to Maharajah Imrit Rao.	The whole.
XX of 1854	An Act to amend Regulation XIII of 1833 of the Bengal Code.	The whole.

SCHEDULE V—*continued.*

Number and year.	TITLE.	Extent of repeal.
XXXVII of 1855.	An Act to remove from the operation of the General Laws and Regulations certain districts inhabited by Sonthals and others, and to place the same under the superintendence of an officer to be specially appointed for that purpose.	Section one, clause two, section three, section four, clause two, sections five and six.
XXIII of 1858.	An Act for bringing the district of Kurnool under the Laws of the Presidency of Fort St. George.	The whole.
XXXII of 1858.	An Act for bringing the Fort of Tanjore and the adjacent territory under the Laws of the Presidency of Fort St. George.	So much as has not been repealed.
XXII of 1860	An Act to remove certain tracts on the eastern border of the Chittagong district from the jurisdiction of the tribunals established under the General Regulations and Acts.	Sections two, three, six and seven.
XIV of 1861	An Act to remove certain tracts of country in the Rohilcund Division from the jurisdiction of the tribunals established under the General Regulations and Acts.	Sections two, three, six and seven.
XII of 1863	An Act to bring the Pergunnahs of Mahoba and Jeitpore, in the district of Humeerpore, under the operations of the General Regulations.	The whole.
I of 1864	An Act to bring the Jagheers of Poorwa and Khuddee, in the district of Banda, under the operation of the General Regulations.	The whole.
XIX of 1864	An Act to remove certain tracts of country in the district of Mirzapore from the jurisdiction of the local Courts.	Sections two, three and four.
XXIV of 1864.	An Act relating to the administration of certain districts under the Government of the Lieutenant Governor of the North-Western Provinces.	Section nine from and including the words 'and shall take effect' to the end of the section, sections ten, eleven, twelve, thirteen, fourteen and fifteen.
XIX of 1867	An Act to make further provision for the administration of justice in the district of Darjiling.	The whole.
IV of 1868	An Act to exempt certain villages in the Bombay Presidency from the operation of the Regulations and Acts in force in that Presidency.	The whole.
XXII of 1868	An Act to bring the Mauza Kheria, in the district of Agra, under the operation of the General Regulations.	The whole.

SCHEDULE V.—*continued.*

Part II.—Regulations.

A. BENGAL CODE.

Number and year.	TITLE.	Extent of repeal.
III of 1793	A Regulation for extending and defining the jurisdiction of the Courts of Dewanny Adawlut, or Courts of Judicature for the trial of Civil suits in the first instance, established in the several Zillahs, and in the cities of Patna, Dacca and Moorshedabad.	Sections two and four.
VII of 1795	A Regulation for establishing a Court of Dewanny Adawlut, or Court of Judicature for trying Civil suits, in the first instance, at the city of Benares and at Mirzapore, Ghazeepore, and Jaunpore in the Province of Benares, and for defining the jurisdiction and powers of those Courts.	The whole.
XVIII of 1795.	A Regulation for extending to the Province of Benares, Regulation XVIII, 1793, entitled "A Regulation for preserving complete the records of the Civil and Criminal Courts of Judicature, and requiring the Zillah and City Courts to transmit monthly reports of the suits decided by them to the Provincial Courts of Appeal; and directing the Provincial Courts of Appeal to submit monthly reports of the appeals and causes decided by them to the Sudder Dewanny Adawlut."	The whole.
XXX of 1795	A Regulation for extending to the Province of Benares, Regulation XXI, 1793, entitled "A Regulation for establishing in each Zillah an office for keeping the records in the native languages which relate to the public revenue, and prescribing rules for the conduct of the keepers of the records."	The whole.
XLVI of 1795.	A Regulation for extending to the Province of Benares Regulation XXXIII, 1793, entitled "A Regulation for re-enacting, with modifications, the Rules passed on the 11th February and 21st October 1791 for repairing the Embankments kept in Repair at the public expense; and for encouraging the digging of Tanks or Reservoirs and Water-courses, and making Embankments."	The whole.
XLVIII of 1795.	A Regulation for prohibiting Covenanted Civil Servants of the Company employed in the administration of justice, or the collection of the public revenue, in the Province of Benares, from lending money to talookdars, zemindars, putteedars, or other actual proprietors of land, or to farmers of land holding farms immediately of Government, or the under-farmers or ryots	The whole.

SCHEDULE V—*continued.*

Number and year.	TITLE.	Extent of repeal.
	of the several descriptions of proprietors and farmers, of land abovementioned or their respective sureties; and for prohibiting in the said province Europeans of any description holding possession of lands that may be mortgaged to them, or purchasing or renting lands for erecting houses or buildings for carrying on manufactures, or other purposes without the sanction of the Governor General in Council.	
VII of 1797	A Regulation for abolishing the office of Commissioner at Backergunge and establishing another Court of Dewanny Adawlut in the Districts at present comprized in the Zillah of Dacca Jelalpore; and for reserving to the Governor General in Council the power of increasing the Rates of the Duty on Stills, specified in section VI, Regulation XXXIV. 1793, in the Provinces of Bengal, Behar, Orissa and Benares.	The whole.
II of 1803	A Regulation for establishing and defining the jurisdiction of the Courts of Adawlut, or Courts of Judicature, for the trial of Civil suits in the first instance, in the Provinces ceded by the Nawab Vizier to the Hon'ble the English East India Company.	The whole.
V of 1803	A Regulation for empowering the Sudder Dewanny Adawlut to try appeals from the decisions of the Provincial Court of Appeal established in the Provinces ceded by the Nawab Vizier to the Hon'ble the English East India Company; and for extending the jurisdiction of the Sudder Dewanny Adawlut over the said provinces and all the Civil Courts established therein.	The whole, except sections twenty-four and twenty-six.
VIII of 1803	A Regulation for extending the jurisdiction of the Nizamut Adawlut to the Provinces ceded by the Nawab Vizier to the Hon'ble the English East India Company.	The whole.
XII of 1803	A Regulation for the appointment of the Ministerial Officers of the Civil and Criminal Courts of Judicature in the Provinces ceded by the Nawab Vizier to the Hon'ble the English East India Company.	The whole.
XIII of 1803	A Regulation for preserving complete the records of the Civil and Criminal Courts of Judicature, in the provinces ceded by the Nawab Vizier to the Hon'ble the English East India Company, and for requiring the Zillah Courts in the said provinces to	The whole.

SCHEDULE V.—*continued.*

Number and year.	TITLE.	Extent of repeal.
	transmit monthly reports of the suits decided by them to the Provincial Court of Appeal; and for requiring the Provincial Court of Appeal to submit monthly reports of the appeals and causes decided by them to the Sudder Dewanny Adawlut; and for enabling the Sudder Dewanny Adawlut to judge of the progress made by the Zillah and Provincial Courts, in the said provinces, in the determination of causes.	
XIX of 1803	A Regulation for prohibiting Covenanted Civil Servants of the Company employed in the administration of justice or the collection of the public revenue in the provinces ceded by the Nawab Vizier to the Hon'ble the English East India Company, from lending money to zemindars, independent talookdars, or other proprietors of land or dependent talookdars or farmers of land holding farms immediately of Government or the under-farmers or ryots of the several descriptions of proprietors and farmers of land above mentioned or their respective sureties; and for prohibiting Europeans, of any description, holding possession of lands that may be mortgaged to them, or purchasing or renting lands in the said Provinces for erecting houses or buildings for carrying on manufactures or other purposes, without the sanction of the Governor General in Council.	The whole.
XXIII of 1803.	A Regulation for establishing in each Zillah in the provinces ceded by the Nawab Vizier to the Hon'ble the English East India Company, an office for keeping the records in the Native languages which relate to the public revenue and prescribing rules for the conduct of the keepers of the records.	The whole.
XXV of 1803.	A Regulation prescribing rules for the conduct of the Board of Revenue and the Collectors, and for declaring the proprietary right in the lands, in the provinces ceded by the Nawab Vizier to the Hon'ble the English East India Company, to be vested in the zemindars and other land-holders under the terms and conditions of the settlement of the land revenue formed by the Hon'ble the late Lieutenant Governor and the Board of Commissioners, pursuant to the authority vested in them by His Excellency the Most Noble the Governor General.	The whole, except sections twenty-nine, thirty, thirty-one and thirty-two.

SCHEDULE V.—*continued.*

Number and year.	TITLE.	Extent of repeal.
XXXI of 1803.	A Regulation for trying the validity of the titles of persons holding, or claiming a right to hold, lands exempted from the payment of public revenue, under grants not being badshahee or royal grants, in the provinces ceded by the Nawab Vizier to the Hon'ble the English East India Company; for determining the amount of the annual assessment to be imposed on lands so held which may become subject to the payment of public revenue; and for forming a periodical register of all lands held exempt from the payment of public revenue under grants not being badshahee or royal.	The whole, except section two, clauses one, two, seven and eight, section three, clause one and section five.
IX of 1804	A Regulation for altering the denomination of the Court of Circuit and the Provincial Court of Appeal for the division of the ceded Provinces; for the administration of Justice in Criminal cases, in the conquered provinces in the Dooab and on the right bank of the river Jumna, and in the territory ceded to the Hon'ble the English East India Company in Bundlecund by the Peishwa.	The whole.
VIII of 1805	A Regulation for extending to the conquered provinces situated within the Dooab and on the right bank of the river Jumna, and to the territory ceded to the Hon'ble the English East India Company in Bundlecund by the Peishwa, such of the Laws and Regulations established for the internal government of the Provinces ceded by the Nawab Vizier to the Hon'ble the English East India Company as have not been already extended to those territories and for revising and amending certain parts of the said Laws and Regulations.	The whole, except sections eighteen and twenty-four.
XIII of 1805	A Regulation for the maintenance of the peace and for the support and administration of the Police in the Zillah of Cuttack, and for amending certain provisions contained in Regulation IV. 1804.	Sections two, three and four.
XIV of 1805	A Regulation for the administration of Justice in Civil cases in the Zillah of Cuttack.	The whole.
VII of 1806	A Regulation for re-establishing a Court of Civil Judicature in the vicinity of Calcutta, and for defining its jurisdiction.	The whole.
XII of 1806	A Regulation for annexing the Pergunnahs of Sonk, Sonsa, and Sahar, situated on the right bank of the river Jumna, to the jurisdiction	The whole.

SCHEDULE V.—*continued.*

Number and year.	TITLE.	Extent of repeal.
	of the zillah of Agra, and for extending to those Pergunnahs the Laws and Regulations established for the internal government of the ceded and conquered Provinces.	
XIV of 1806	A Regulation for abolishing the Court of Dewanny Adawlut of the zillah of the Northern Division of Saharunpore; and for incorporating the jurisdiction of that Court with the Civil jurisdiction of the Court established in the Southern Division of Saharunpore.	The whole.
XVII of 1806.	A Regulation for extending to the Province of Benares the rates of interest on future loans, and provisions relative thereto, contained in Regulation XV. 1793; also for a general extension of the period fixed by Regulations I. 1798, and XXXIV. 1803, for the redemption of mortgages and conditional sales of land, under Deeds of Bye-bil-wulfa, Kut-cubaleh, or other similar designation.	The whole, except sections one, seven and eight.
XV of 1812	A Regulation for extending to the ceded and conquered Provinces, and to the Province of Benares, certain parts of Regulation I. 1811, and for rescinding Regulation II. 1810.	The whole.
XVI of 1812	A Regulation for exempting certain territories and Jaghires situated on the borders of the Zillah of Bundlecund from the operation of the general Regulations, and for annexing to that Zillah certain lands formerly composing a part of the Jaghire of the Killadar of Calenger.	Sections three and four.
VII of 1816	A Regulation for defining the tenure on which certain lands at present included within the limits of the territories of the British Government, and subject to its general Laws and Regulations, are to be held as an independent jageer by His Highness Amrut Rao.	The whole.
XVIII of 1816.	A Regulation for annexing to the Zillah of Allahabad the Pergunnah of Handya, formerly composing a part of the territories of His Excellency the Nuwaub Vizier.	The whole.
II of 1818	A Regulation for annexing to the Zillah of Bundlecund the Elakeh of Khundeh appertaining to the Pergunnah of Mahoba, together with certain villages belonging to the Pergunnah of Choorkee on the right bank of the Jumna, formerly composing a part of the territories of Nana Govind Rao.	The whole.

SCHEDULE V.—*continued.*

Number and year.	TITLE.	Extent of repeal.
IV of 1818	A Regulation for re-establishing the Dewanny Adawlut of the Northern Division of Saharunpore.	The whole.
V of 1824	A Regulation for extending the operation of Regulation VI. 1823 to the Provinces of Orissa, Behar and Benares, and to the ceded and conquered Provinces.	The whole.
XVIII of 1825.	A Regulation for annexing the Settlement of Chinsurah, and other Territories ceded to the British Government by the Government of the Netherlands, to the Zillah and City jurisdictions most contiguous thereto, and to provide for the administration of the said Territories.	The whole.
XXI of 1825	A Regulation for annexing to the jurisdiction of the Commissioner of Kumaon the tract of country called the Dehra Doon, and also the Pergunnah of Chandnee, heretofore forming part of the Districts of Saharunpore and Moradabad.	The whole.
V of 1826	A Regulation for annexing to the Zillah of Agra the Pergunnah of Goberdhun.	The whole.
VI of 1826	A Regulation for constituting the jurisdiction of the Joint Magistrate, stationed at Futtehpore, a distinct Zillah.	The whole
V of 1829	A Regulation for rescinding part of Regulation X. 1817, and parts of Regulation XXI. 1825.	The whole.
VI of 1831	A Regulation for the appointment of one or more Judges, to be ordinarily stationed at Allahabad, for the purpose of exercising the powers and authority of the Sudder Dewanny and Nizamut Adawlut, within the Province of Benares, the ceded and conquered Provinces, including the Districts of Meerut, Saharunpore, Moozuffernuggur and Boolundshuhur, which are now subject to the Chief Commissioner at Delhi, and the powers and authority of the Nizamut Adawlut in the Province of Kumaon and the Saugor and Nerbudda Territories.	The whole, except sections five and six.
X of 1831	A Regulation for vesting in a deputation from the Sudder Board of Revenue, to be ordinarily stationed at Allahabad, the exclusive control over the revenue affairs of the Province of Benares, the ceded and conquered Provinces, including the Districts of Meerut, Saharunpore, Moozuffernuggur and Boolundshuhur, which are now subject	The whole.

SCHEDULE V.—*continued.*

Number and year.	TITLE.	Extent of repeal.
	to the Chief Commissioner at Delhi, the Province of Kumaon and the Saugor and Nerbudda Territories.	
V of 1832	A Regulation for annexing the Delhi territory to the jurisdiction of the Courts of Sudder Dewanny and Nizamut Adawlut, and the Sudder Board of Revenue at Allahabad.	The whole.
VIII of 1832	A Regulation for rescinding Regulation XIV. 1814.	The whole.
I of 1833	A Regulation for vesting in the Sudder Board of Revenue at Allahabad the superintendence of the Customs and Town Duties in the territories to which the revenue jurisdiction of that Board extends.	The whole.
V of 1833	A Regulation for forming the jurisdiction of the City of Dacca and the Zillah of Dacca, Jelalpore into one District.	The whole.
XIII of 1833	A Regulation for abolishing the Courts of Dewanny Adawlut of the Zillahs of Ramghur and Jungle Mehals, and for providing special rules for the superintendence of certain tracts of country at present included in the Zillahs of Ramghur, Jungle Mehals and Midnapore.	The whole, except section three, leaving out the words "except as hereinafter provided" in the ninth line of that section.
	B. BOMBAY CODE.	
II of 1827	A Regulation for defining the constitution of Courts of Civil Justice, and the powers and duties of the Judges and officers thereof.	Section one, section sixteen, clause two and appendix E.
XIII of 1827	A Regulation for defining the constitution of Courts of Criminal Justice, and the functions and proceedings thereof.	Section two.
XXIX of 1827	A Regulation for bringing under the operation of the Regulations the Bombay territories in the Deccan and Khandesh.	Section two and appendix A.
VII of 1830	A Regulation for bringing under the operation of the Regulations the Territories comprised in the Southern Mahratta country, belonging to the Hon'ble Company, and forming the said territories into a Zillah.	The whole, except section five.
X of 1830	A Regulation for bringing under the operation of the Regulations certain villages in the Collectorship of Khandesh.	The whole.
XIV of 1830	A Regulation for bringing under the operation of the Regulations such portion of the Bombay territory on the Mahabuleshwur Hills as has been ceded to the Hon'ble Company by His Highness the Rajah of Sattara.	The whole.

SCHEDULE V.—*concluded.*

Number and year.	TITLE.	Extent of repeal.
II of 1834	A Regulation for bringing under the operation of the Regulations certain villages which have been ceded to the Hon'ble Company by Angria Sirkeil in exchange for other villages.	The whole.
III of 1863	An Act for bringing under the Regulations and Acts of the Presidency of Bombay the Territories of Sattara, certain villages and lapsed states in the Collectorate of Sholapoor and in the Southern Maratha Country, certain lands ceded to the Government of Bombay for Railway purposes, and the District of North Canara, with the exception of the Talooka Cundapoor, and for excluding the village of Moochundee, Pergunnah Jutt, from the operation of the Regulations and Acts of the Presidency of Bombay.	The whole, except sections three and four.

STATEMENT OF OBJECTS AND REASONS.

It has lately come to notice that the general Regulations are not in operation in the Dehra Doon.

By Regulation IV of 1817, the tract of country called Dehra Doon was annexed to the Saháranpur district and thus became subject to the operation of the general Regulations and the jurisdiction of the ordinary Courts of justice. Subsequently, under the provisions of Regulation XXI of 1825 this tract was transferred to, and incorporated with, the province of Kumáon, and the effect of this transfer was to remove the said tract from the operation of the general Regulations and to subject it to the special laws and rules under which the administration of that province was conducted.

After the passing of Regulation V of 1829 the Doon became again separated from Kumáon, but nothing was done to counteract the effect of those provisions of the former Regulation which barred the operation of the general Regulations within that district.

The immediate object of the present Bill is to repair that omission; at the same time it is thought desirable to take advantage of the opportunity afforded by the need for legislation in this direction, to consolidate the existing law, and to remove doubts, wherever they exist, as to the local extent of the general Regulations and the local jurisdiction of the High Courts and chief controlling Revenue Authorities.

F. R. COCKERELL.

The 11th March 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, APRIL 2, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th March 1870, and was referred to a Select Committee with instructions to make their report thereon in a fortnight:—

No. 8 OF 1870.

A Bill for repealing certain enactments which have ceased to be in force, or have become unnecessary.

Preamble. WHEREAS it is expedient that certain enactments (mentioned in the schedule to this Act) which have ceased to be in force otherwise than by express and specific repeal, or have by lapse of time and change of circumstances become unnecessary, or which merely repeal prior enactments, should be expressly and specifically repealed; It is hereby enacted as follows:—

Enactments in schedule repealed. 1. The enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of the same schedule:

Provided that the repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to:

And this Act shall not affect the validity or invalidity of anything already done or suffered, or any right or title already acquired, or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing:

Nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized, or derived by, in or from, any enactment hereby repealed:

Nor shall this Act provide or restore any jurisdiction, office, usage, custom, privilege, restriction, exemption, usage or practice not now existing, or in force.

Short title. 2. This Act may be called "The Repealing Act, 1870."

SCHEDULE.

PART I.—STATUTES.

Year and chapter.	TITLE.	Extent of repeal.
13 Geo. III, cap. lxiii.	An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe.	Sections sixteen, nineteen, twenty, twenty-seven, twenty-eight, twenty-nine, thirty-one, thirty-three, thirty-six, thirty-eight from the words "and for that purpose" to the end of the section.

SCHEDULE —*continued.*

Year and chapter.	TITLE.	Extent of repeal.
21 Geo. III, cap. lxx.	An Act to explain and amend so much of an Act, made in the thirteenth year of the reign of his present Majesty, intituled, An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe, as relates to the administration of justice in Bengal; and for the relief of certain persons imprisoned at Calcutta in Bengal, under a judgment of the Supreme Court of Judicature; and also for indemnifying the Governor General and Council of Bengal, and all officers who have acted under their orders or authority, in the undue resistance made to the process of the Supreme Court.	Sections nine to sixteen (both inclusive), sections nineteen to twenty-six (both inclusive).
33 Geo. III, cap. lii.	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with their exclusive trade, under certain limitations; for establishing further regulations for the Government of the said territories, *and the better* administration of justice within the *same*; for appropriating to certain uses the revenues and profits of the said Company; and for making provision for the good order and Government of the towns of Calcutta, Madras, and Bombay.	Sections sixty-one, one hundred and thirty-seven from and including the words "nor shall it be lawful for any of His *Majesty's* subjects" to the end of the section, one hundred and fifty-five, one hundred and fifty-nine.
37 Geo. III, cap. cxliii.	An Act for the better administration of justice at Calcutta, Madras and Bombay; and for preventing British subjects from being concerned in loans to the Native Princes in India.	Sections four to eight (both inclusive), sections fifteen, seventeen to twenty-six (both inclusive), section thirty.
39 & 40 Geo. III, cap. lxxix.	An Act for establishing further regulations for the Government of the British territories in India, and the administration of justice within the same.	Sections four, six, eight, ten, eleven, seventeen, eighteen, nineteen, twenty-one, twenty-two, twenty-three, twenty-four.
53 Geo. III, cap. clv.	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the Government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's Charter.	Sections ninety-eight, ninety-nine, one hundred and one, one hundred and four, one hundred and eight, one hundred and nine, one hundred and thirteen, one hundred and twenty-two.
54 Geo. III, cap. cv.	An Act to remove doubt as to the Duties and Taxes heretofore imposed and levied under the authority of the several Governments in the East Indies.	The whole.

SCHEDULE —*continued.*

Year and chapter.	TITLE.	Extent of repeal.
55 Geo. III, cap. lxxxiv.	An Act to amend so much of an Act of the thirty-third year of His present Majesty, as relates to fixing the limits of the Towns of Calcutta, Madras and Bombay; and also so much of an Act of the thirty-ninth and fortieth year of His present Majesty, as relates to granting Letters of Administration to the effects of persons dying intestate within the several Presidencies in the East Indies, to the Registrar of the Ecclesiastical Courts; and to enable the Governor in Council of the said Presidencies to remove persons not being British subjects; and to make provision for the Judges in the East Indies in certain cases.	The whole.
4 Geo. IV, cap. lxxi.	An Act for defraying the charge of retiring pay, pensions and other expenses of that nature, of His Majesty's Forces serving in India; for establishing the pensions of the Bishop, Archdeacons and Judges; for regulating Ordinations; and for establishing a Court of Judicature at Bombay.	Sections eight nine, ten fourteen.
5 Geo. IV, cap. cviii.	An Act for transferring to the East India Company certain possessions newly acquired in the East Indies, and for authorizing the removal of convicts from Sumatra.	Section two.
6 Geo. IV, cap. lxxxv.	An Act for further regulating the payment of the salaries and pensions to the Judges of His Majesty's Courts in India, and the Bishop of Calcutta; for authorizing the transportation of offenders from the Island of Saint Helena; and for more effectually providing for the administration of Justice in Singapore and Malacca, and certain Colonies on the Coast of Coromandel.	Section six.
7 Geo. IV, cap. xxxvii.	An Act to regulate the appointment of juries in the East Indies.	The whole.
9 Geo. IV, cap. xxxiii.	An Act to declare and settle the law respecting the liability of the real estates of British subjects and others, situate within *the jurisdiction* of His Majesty's Supreme Courts in India, as assets in the hands of executors and administrators, to the payment of the debts of their deceased owners.	The whole.
11 Geo. IV. & 1 Wm. IV, cap. lxxv.	An Act for the relief of the sufferers by the insolvency of Gilbert Ricketts, Esquire, formerly Registrar of the Supreme Court of Judicature at Madras.	The whole.
5 & 6 Wm. IV, cap. vi.	An Act to indemnify the Governor General and other persons in respect of certain acts done in the administration of the *Government of the British* Territories in the East Indies subsequent to the twenty-second day of April One thousand eight hundred and thirty-four, and to make those Acts valid.	The whole Act so far as it relates to British India.
11 & 12 Vic., cap. xxi.	An Act to consolidate and amend the Laws relating to insolvent debtors in India.	Sections one, sixty-five, sixty-six and sixty-seven.

PART II.—ACTS.

Number and year.	TITLE.	Extent of repeal.
X of 1836	Indigo contracts	Section one.
of 1836	Revenue Sale Law ...	Sections one and four.
VI of 1837	Land Revenue (Cuttack) ...	Section two.
XI of 1838	Amins, Bengal	Section one and in section two the words 'And it is hereby enacted that.'
XVI of 1838	Bombay Judiciary ...	In section one, clause one, the words 'It is hereby enacted in modification of the rules contained in chapter VII, Regulation XVII of 1827 of the Bombay Code that'
XIX of 1838	Bombay Coasting Vessels ...	Section one.
XXIX of 1838.	Salt Department, Bengal ...	Section one.
XXXII of 1838.	Justices of the Peace ...	Sections tw and three.
VII of 1839	Tahsildárs, Madras ...	Section one.
XXIV of 1839.	Ganjam and Vizagapatam ...	Section one.
XVI of 1840	An Act concerning the management of convicts transported to places within the territories of the East India Company.	Section four.
XI of 1841	An Act for consolidating and amending the Regulations concerning Military Courts of Requests for Native Officers and Soldiers in the service of the East India Company.	The first twenty-one words in section one, and section eighteen.
XII of 1841	An Act for amending the Bengal Code in regard to sales of land for arrears of revenue.	Section one.
XXIX of 1841.	An Act for amending such parts of the Bengal and Madras Codes as concern the dismissal of suits and appeals for neglecting to proceed in the same.	Section three down to and including the words 'are repealed, and'
XVII of 1842	An Act relative to the number and powers of the Revenue Commissioners under the Presidency of Bombay.	Section one and in sections two and three the words 'and it is hereby enacted that'
XI of 1843	An Act for regulating the service of hereditary officers under the Presidency of Bombay.	Section one.

SCHEDULE —*continued.*

Number and year.	TITLE.	Extent of repeal.
XI of 1844	An Act for the improvement of the administration of justice *and despatch* of business in the Supreme Court of Judicature at Fort William in Bengal.	The whole.
XVI of 1844	An Act for increasing the Excise and Import Duties heretofore payable to the Government on salt manufactured within or imported into the territories subject to the Government of the Presidency of Bombay.	Sections one, three and five.
XVIII of 1844.	An Act for the better control and management *of gaols* within the Bengal Presidency.	Section one and in section two the word 'And it is hereby enacted that'
XX of 1844	An Act to amend the law relating to advances *bond fide* made to Agents intrusted with goods, by extending to the territories of the East India Company, in cases governed by English Law, the provisions of the Statute 5 & 6 Victoria, c. 39, as altered by this Act.	Section nine.
XV of 1845	An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of judicial and revenue proceedings.	Section six.
VIII of 1846	An Act for determining the duration of the existing Settlement of the North-Western Provinces.	Section one so far as it relates to Hissar, Saharanpore, Moozuffernugger, Meerut, Bulundshuhur, Allyghur, Bijnore, Budaon, Bareilly, Shajehanpore, Furruckabad, Allahabad, Goruckpore and Azimgurh.
I of 1847	An Act for the establishment and maintenance of Boundary Marks in the North-Western Provinces of Bengal.	In section six, the words and figures "under Act IV of 1840."
IX of 1847	An Act regarding the assessment of lands gained from the sea or from rivers by alluvion or dereliction within the Provinces of Bengal, Behar and Orissa.	Section eight.
XX of 1847	An Act for the encouragement of learning in the territories subject to the Government of the East India Company, by defining and providing for the enforcement of the right called copy-right therein.	Section seventeen.
IV of 1848	An Act for regulating Coroner's Juries.	In section two, the words and figures "according to the provisions of Act No. II of 1839."
XVI of 1848	An Act to remove certain restrictions on the salt trade.	The whole.

SCHEDULE—*continued.*

Number and year.	TITLE.	Extent of repeal.
XVIII of 1848.	An Act for the administration of the estate of the late Nawab of Surat, and to continue privileges to his family.	Sections three and four.
I of 1849	An Act to provide more effectually for the punishment of offences committed in Foreign States.	Section one.
VI of 1849	For securing Military and Naval pensions and superannuation allowances.	Sections one and four.
XI of 1849	For securing the Abkaree revenue of Calcutta.	Section one.
IX of 1850	An Act for the more easy recovery of small debts and demands in Calcutta, Madras, and Bombay.	Section seven. In section seventeen, the words 'by action of debt or on the case.'
XI of 1850	An Act to amend Act X, 1841.	Section one.
XII of 1850	For avoiding loss by the default of Public Accountants.	Section six.
XIX of 1850	Concerning the binding of Apprentices.	Section six.
XXV of 1850	An Act for the forfeiture to Government of deposits made on incomplete sales of land under Regulation VIII, 1819, and Act IV, 1846.	Section one.
XXVI of 1850.	An Act to enable improvements to be made in towns.	Section one.
XXXIII of 1850.	An Act for amending the forms necessary for the sale of Putnee Tenures in Bengal.	Sections two and three.
XXXVII of 1850.	For regulating inquiries into the behaviour of public servants.	Section one.
XLIV of 1850.	An Act for consolidating the Board of Customs, Salt, and Opium, and the Sudder Board of Revenue in the Lower Provinces of Bengal.	Section one.
VI of 1851	Respecting certain land in Bombay called Foras Land.	The whole.
VIII of 1851	An Act for enabling Government to levy tolls on public roads and bridges.	Section one.
V of 1852	An Act for giving effect to the provisions of an Act of Parliament, passed in the 15th year of the reign of Her present Majesty, intituled "An Act for Marriages in India."	Section twenty-six.

SCHEDULE—*continued.*

Number and year.	TITLE.	Extent of repeal.
XV of 1852	An Act to amend the Law of Evidence.	Section fourteen.
XVI of 1852	An Act for further improving the administration of Criminal Justice in Her Majesty's Courts of Justice in the territories of the East India Company.	Sections ten and twenty-seven.
XIX of 1852.	An Act for securing the Abkaree revenue of Madras.	Section one.
XXIII of 1852.	To authorize and empower the Governors in Council of the respective Presidencies of Madras and Bombay to mitigate or discharge fines, amerciaments, &c., imposed by the Supreme Courts, or any other Courts of Justice at Madras and Bombay respectively.	The preamble and section one.
XXIX of 1852.	An Act to amend the law respecting the Circuits of Judicial Commissioners in the Presidency of Bombay.	Section one.
XI of 1853	An Act to facilitate the removal of Nuisances and encroachments below High-water Mark in the Islands of Bombay and Colaba.	In section seven, the words "the East India Company as trustees for"
XX of 1853.	An Act to amend the law relating to Pleaders in the Courts of the East India Company.	Section one.
V of 1854	An Act to amend Act No. V of 1838 relating to the Bengal Bonded Warehouse Association.	Section one
VII of 1854	An Act for the apprehension, within the territories under the Government of the East India Company, of persons charged with the commission of heinous offences beyond the limits of the said Territories, and for delivering them up to justice, and to provide for the execution of warrants in places out of the jurisdiction of the authorities issuing them.	Section twenty-four.
XIII of 1854.	An Act to repeal Act No. VI of 1852, and to make provision for defraying the cost of the Light House on Pedra Branca, and for maintaining the same, and also a Floating Light established in the Straits of Malacca, to the west of Singapore, and for the establishment and maintenance of such further Lights in or near to the said Straits as may be deemed expedient.	Section one.
XVI of 1854.	An Act to amend Regulation XI of 1831 of the Bengal Code.	Section one.
XVIII of 1854.	An Act relating to Railways in India.	Section thirty-nine.
XXVII of 1854.	An Act to amend the law relating to the Naxim of Bengal.	Section one.

SCHEDULE—*continued.*

Number and year.	TITLE.	Extent of repeal.
XXX of 1854	An Act to provide for the levy of duties of Customs in the Arracan, Pegu, Martaban, and Tenasserim Provinces.	Sections one and twelve.
XXXI of 1854.	An Act to abolish real actions and also fines and common recoveries, and to simplify the modes of conveying land in cases to which the English Law is applicable.	Section one.
II of 1855.	An Act for the further improvement of the Law of Evidence.	Section seventeen.
XXII of 1855	An Act for the regulation of Ports and Port-dues.	Sectionone, and in section thirty-five, the words "or of the Hon'ble East India Company," section forty-three.
XXIV of 1855	An Act to substitute penal servitude for the punishment of Transportation in respect of European and American convicts, and to amend the law relating to the removal of such convicts.	Section sixteen.
XXVI of 1855	An Act to facilitate the payment of small deposits in Government Savings' Banks to the representatives of deceased depositors.	So much of section five as relates to persons dying in the service or in the marine service of the East India Company.
XXVIII of 1855.	An Act for the repeal of the Usury Laws.	Sections one, seven, eight and the schedule.
XXXII of 1855.	An Act relating to embankments.	Section one.
XXXVII of 1855.	An Act to remove from the operation of the general Laws and Regulations certain Districts inhabited by Sonthals and others, and to place the same under the superintendence of an officer to be specially appointed for that purpose.	Section six.
VIII of 1856	An Act for the better control of the gaols within the Presidencies of Fort St. George and Bombay.	Section one.
XII of 1856	An Act to amend the law respecting the employment of Ameens by the Civil Courts in the Presidency of Fort William.	Section one.
XIII of 1856.	An Act for regulating the Police of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore and Malacca.	Section one from and including the words "The several" down to and including "operation, and" And the schedule.

SCHEDULE—*continued.*

Number and year.	TITLE.	Extent of repeal.
XX of 1856	An Act to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs, and Bazaars in the Presidency of Fort William in Bengal.	Section one from and including "Regulation" down to and including "provided that"
XXI of 1856	An Act to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal.	Sections one and eighty-nine.
III of 1857	An Act relating to trespass by Cattle.	Sections one and twenty-two.
IV of 1857	An Act to amend the law relating to the duties payable on Tobacco, and the retail sale and warehousing thereof in the town of Bombay.	Section one. In section five, the words and figures "within the meaning of Act XXV of 1836."
X of 1857	An Act to amend Act XXXVII of 1855.	In section one from and including "so much" down to and including "this Act; and"
XIII of 1857	An Act to consolidate and amend the law relating to the cultivation of the poppy and the manufacture of opium in the Presidency of Fort William in Bengal.	Section one.
XXIX of 1857.	An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidency of Bombay.	Section one.
XXX of 1857	An Act for the levy of Port-dues and fees in the Port of Calcutta.	In section seven from and including "this Act" down to and including "said date."
XXXI of 1857.	An Act for the levy of Port-dues and fees in the Port of Bombay.	In section six from and including "this Act" down to and including "said date."
XXXIV of 1857.	An Act relating to the sale of Ganjah in the Presidency of Bombay.	Section one.
XXXV of 1857.	An Act for the levy of Port-dues in the ports of Moulmein, Rangoon, Kyouk Phyoo, Akyab and Chittagong	Section five down to and including "said date."
II of 1858	An Act for the levy of Port-dues in certain ports in the Province of Cuttack.	Section five. Section six down to and including "said date."
III of 1858	An Act to amend the law relating to the arrest and detention of State Prisoners.	Section one.
VIII of 858	An Act for the levy of Port-dues and fees in the Port of Kurrachee.	Section seven. Section eight down to and including "said date."
XV of 1858	An Act for the levy of Port-dues in the Port of Aden.	Section six down to and including "said date."

SCHEDULE —*continued.*

Number and year.	Title.	Extent of repeal.
XXVIII of 1858.	An Act for the maintenance of a Police Force for the Port of Madras.	Section eleven.
XXXV of 1858.	An Act to make better provision for the care of the estates of Lunatics not subject to the jurisdiction of the Supreme Courts of Judicature.	Section one.
XL of 1858	An Act for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal.	Section one.
I of 1859	An Act for the amendment for the law relating to Merchant Seamen.	Section one.
III of 1859	An Act for conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those Officers Registers of Deeds.	In section eleven, the words "or who shall be appointed Register of Deeds under the provisions of this Act" "and Registers of Deeds respectively."
VIII of 1859	An Act for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter.	In section three hundred and eighty-two, the words "in any Court of Judicature established by Royal Charter or" Section three hundred and eighty-seven.
X of 1859	An Act to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.	Sections one and one hundred and sixty-seven.
XI of 1859	An Act to improve the law relating to sales of land for arrears of revenue in the Lower Provinces under the Bengal Presidency.	Section one.
XII of 1859	An Act to make better provision for the trial of Pilots at the Presidency of Fort William in Bengal for breach of duty.	Section one.
XIV of 1859	An Act to provide for the limitation of suits.	Sections eighteen, twenty-one and twenty-three, and, in section nineteen, the proviso.
XVII of 1859	An Act to amend the law for the realization of revenue from Abkaree in the Island of Bombay.	Section one.
XX of 1859	An Act for the suppression of outrages in the District of Malabar in the Presidency of Fort Saint George.	Section one.
XXII of 1859	An Act to amend Act I of 1852 (for the consolidation and amendment of the Laws relating to the Customs under the Presidency of Bombay).	Section one.

SCHEDULE —*continued.*

Number and year.	Title.	Extent of repeal.
XXIV of 1859.	An Act for the better regulation of the Police within the territories subject to the Presidency of Fort St. George.	Sections two and three and the schedule down to "said clause."
XXV of 1859	An Act to prevent the overcrowding of Vessels carrying Native passengers in the Bay of Bengal.	Section nineteen.
II of 1860	An Act to amend the law relating to the carriage of Passengers by Sea.	In section one, the words and figures "under Act XV of 1842," "under Act XXI of 1844," "under Act XXXI of 1855."
VIII of 1860	An Act for regulating the establishment and management of Electric Telegraphs in India.	Section one.
XXIII of 1860.	An Act to amend Act XXI of 1856 (to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal).	Section one, from the beginning down to and including 'repealed' and the schedule.
XXV of 1860	An Act for the levy of Port-dues in the Port of Bassein.	Section five from the beginning down to and including "said date."
XXVIII of 1860.	An Act for the establishment and maintenance of boundary marks, and for facilitating the settlement of boundary disputes in the Presidency of Fort Saint George.	Sections one and thirty-three.
XXXI of 1860	An Act relating to the manufacture, importation and sale of arms and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases.	Sections one fifty-two and fifty-five.
XLV of 1860	The Indian Penal Code ...	In section five, the words "or of the East India Company, or of any Act for the government of the Indian Navy."
XLVI of 1860	An Act to authorize and regulate the emigration of Native laborers to the French Colonies.	Section one.
XLVIII of 1860.	An Act to amend Act XIII of 1856 (for regulating the Police of the towns of Calcutta, Madras and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca).	Section one, from the beginning down to and including "repealed and"
L of 1860	An Act to amend the law relating to vacations in the Civil Courts within the Presidency of Fort William in Bengal.	Section one.
X of 1861	An Act to repeal certain Regulations and Acts relating to the procedure of the Courts of Civil Judicature not established by Royal Charter.	The whole.

SCHEDULE —*continued.*

Number and year.	Title.	Extent of repeal.
XIV of 1861	An Act to remove certain tracts of country in the Rohilcund Division from the jurisdiction of the tribunals established under the general Regulations and Acts.	In section four, the words "shall not call for the futwah of its law officer and" Section seven.
XVI of 1861	An Act for licensing and regulating stage carriages.	Section twenty-two.
XVII of 1861	An Act to amend Act XIV of 1843 (for regulating the Customs Duties in the North-Western Provinces).	Section three.
XIX of 1861	An Act to provide for a Government Paper Currency.	Section one.
XXIII of 1861.	An Act to amend Act VIII of 1859 (for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter).	Sections one and forty-three.
XXV of 1861	An Act for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.	Section four hundred and forty-five except so far as it empowers the Governor General in Council to extend the Act.
IV of 1862	An Act for regulating the Bank of Bengal.	Sections one and forty-two, and the second proviso in section eleven.
XIII of 1862	An Act to provide for a new Silver and a new Copper Coinage.	Section one.
XX of 1862	An Act to provide for the levy of Fees and Stamp Duties in the High Court of Judicature at Fort William in Bengal; and to suspend the operation of certain sections of Act VIII of 1859 in the said High Court.	Sections seven, eleven and twelve.
XXIII of 1862.	An Act to amend Act XI of 1862 (to amend the duties of Customs on goods imported and exported by sea).	The whole.
I of 1863	An Act to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burmah, and to provide for the extension of certain Acts to the said territory.	Sections one and twenty-eight.
VI of 1863	An Act to consolidate and amend the laws relating to the administration of the Department of Sea Customs in India.	Sections two and two hundred and thirty.
VIII of 1863	An Act for the amendment of the law relating to the confinement of prisoners sentenced by Courts acting under the authority of Her Majesty, and by certain other Courts, and of prisoners convicted of offences in Native States.	Section one.
XII of 1863	An Act to bring the Pergunnahs of Mahoba and Jeitpore, in the District of Humeerpore, under the operation of the General Regulations.	Sections two, three, four, five, six.

SCHEDULE —*continued.*

Number and year.	Title.	Extent of repeal.
XV of 1863	An Act to amend Act I of 1859 (for the amendment of the law relating to Merchant Seamen).	Section one.
XIX of 1863	An Act to consolidate and amend the law relating to the partition of estates paying revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal.	Section one, and the first eight words of section two. Section fifty.
XX of 1863	An Act to enable the Government to divest itself of the management of Religious Endowments.	Section one.
XXIV of 1863.	An Act to amend Act I of 1863 (to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burmah, and to provide for the extension of certain Acts to the said territory).	Sections four and five.
VII of 1864	An Act for regulating the importation and manufacture of alimentary salt, in the territories administered by the Chief Commissioner of the Central Provinces.	Section one.
XII of 1864	An Act to give further effect to the provisions of Act IV of 1863 (to give effect to certain provisions of a Treaty between His Excellency the Earl of Elgin and Kincardine, Viceroy and Governor General of India, and His Majesty the King of Burmah).	Section two.
XIII of 1864	An Act to consolidate and amend the laws relating to the emigration of Native labourers.	Sections one and eighty-four, and schedule A.
XVII of 1864	An Act to constitute an Office of Official Trustee.	Section two.
XXII of 1864.	An Act to make provision for the Administration of Military Cantonments.	Sections two, thirty-seven, and the schedule.
XXIV of 1864	An Act relating to the Administration of certain Districts under the Government of the Lieutenant Governor of the North-Western Provinces.	Section fifteen.
XXVIII of 1864.	An Act to provide for the extension of Act XXI of 1856 (to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal), to the provinces under the control of the Lieutenant Governor of the Panjáb.	Section three.
XI of 1865.	An Act to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original Civil jurisdiction of the High Courts of Judicature.	Section two, from the beginning down to and including the words "Provided that" And from and including the words "and all suits" down to the end of the section.

SCHEDULE—*continued.*

Number and year.	TITLE.	Extent of repeal.
XIII of 1865	An Act to amend the procedure of Her Majesty's High Courts of Judicature in the exercise of their original Criminal jurisdiction, and to provide for the exercise of such jurisdiction at places other than the Presidency Towns.	In section nine, the words "From and after the date on which this Act shall come into operation," and, in sections twenty-two, twenty-three, twenty-four and forty-four, the words "From and after the commencement of this Act," Sections forty-five and forty-six.
XIV of 1865	An Act to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces.	Section twenty-four.
XV of 1865	An Act to define and amend the law relating to Marriage and Divorce among the Parsees.	In section seven, the words "who may be the Registrar appointed under Act XVI of 1864 (*to provide for the registration of assurances.*)" In section fifty-three, the words "shall commence and take effect on the first day of September 1865, and"
XIX of 1865	An Act to define the jurisdiction of the Courts of Judicature of the Panjáb and its Dependencies.	Sections twenty-four and twenty-five.
XX of 1865	An Act to amend the law relating to Pleaders and Mookhtars.	Section three and the first schedule.
IV of 1866	An Act to amend the constitution of the Chief Court of Judicature in the Panjáb and its Dependencies.	Sections fifty-two and fifty-four.
V of 1866	An Act to provide a summary procedure on Bills of Exchange and to amend in certain respects the Commercial Law of British India.	In section two, the words "From and after the first day of May 1866,"
X of 1866	The Indian Companies' Act.	Sections two hundred and nineteen, two hundred and twenty, two hundred and twenty-one and two hundred and twenty-two, and the third schedule.
XI of 1863	An Act to repeal Act No. IV of 1855 (for incorporating for a further period, and for giving further powers to the Assam Company).	The whole.

SCHEDULE—*continued.*

Number and year.	TITLE.	Extent of repeal.
XIV of 1866	The Indian Post Office Act, 1866.	In section one, the words "shall come into operation on the first day of May 1866," And section three.
XX of 1866	The Indian Registration Act, 1866.	Section three and section ninety-eight from the beginning down to and including "notwithstanding," Section one hundred and two.
XXII of 1866	An Act to extend the Indian Marriage Act, 1865, to the Hyderabad Assigned Districts and the Cantonments of Secunderabad, Trimulgerry and Aurungabad.	In section one, the words "From and after the passing of this Act."
XXVI of 1866.	An Act to legalize the rules made by the Chief Commissioner of Oudh for the better determination of certain claims of subordinate proprietors in that Province.	Section two.
XXVII of 1866.	An Act to consolidate and amend the law relating to the conveyance and transfer of property in British India vested in mortgagees and trustees, in cases to which English law is applicable.	Section one.
XII of 1867	An Act to amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras and Bombay.	Section two and the schedule.
XVIII of 1867.	An Act to define the jurisdiction of the Courts of Civil Judicature in the Jhánsi Division.	Section two.
XXIV of 1867.	An Act to consolidate and amend the law relating to the office and duties of Administrator General.	Section two and the schedule.
XXV of 1867	An Act for the regulation of Printing-presses and Newspapers, for the preservation of copies of books printed in British India, and for the registration of such books.	Sections two and twenty-three.
XXXIV of 1867.	An Act to repeal Act No. XIX of 1866 in the places to which the Madras Salt Excise Act, 1867, may be made applicable.	The whole.
XXXV of 1867.	An Act to provide temporary assistance to the Financial Commissioner of the Panjáb.	The whole.
III of 1868	An Act to authorize the Local Government of the Panjáb to invest any person with the powers of an Assistant Commissioner or Tahsildár.	Section three.
VIII of 1868	An Act for repealing certain enactments which have ceased to be in force or have become unnecessary.	The whole.

SCHEDULE—*continued.*

Number and year.	TITLE.	Extent of repeal.
XI of 1868	An Act to exempt Timber and Woods from Import Duty.	The whole.
XIII of 1868	An Act to exempt the King of Oudh from the jurisdiction of the Civil Courts, and for other purposes.	Section one.
XVI of 1868	An Act to consolidate and amend the law relating to Principal Sadr Amíns, Sadr Amíns and Munsifs in Bengal, and for other purposes.	Section one and the schedule.
XVII of 1868.	An Act to appoint a Commission to enquire into the failure of the Bank of Bombay.	The whole.
XVIII of 1868.	An Act for investing the Commissioner and Assistant Commissioner of the Neilgherry Hills with the powers of a Court of Small Causes.	Section five.
XIX of 1868	An Act to consolidate and amend the law relating to rent in Oudh.	Section two.
XX of 1868	An Act to give validity to the levy of certain duties in Lucknow.	The whole.
XXIII of 1868.	An Act to give validity to certain Abkárí Rules in British Burmah.	In the preamble, the words "and to indemnify all officers, farmers and other persons who have acted under them, or under any such rules previously published or enforced under the same authority" And section two
XXV of 1868	An Act to define the jurisdiction of the Courts in Coorg.	Section twenty-four.
XXVIII of 1868.	An Act to define and amend the law relating to the tenancy of land in the Panjáb.	Section four.
II of 1869	An Act for the appointment of Justices of the Peace.	Section two and the schedule
III of 1869	An Act for the maintenance of the Rural Police in the North-Western Provinces.	Section two.
V of 1869	The Indian Articles of War ...	Part I, clause (c), paragraphs one, two and three.
VI of 1869	An Act to amend the law relating to the Emigration of Native labourers.	Sections ten and eleven.
VII of 1869	An Act to give validity to certain Rules relating to Forests in British Burmah.	In the preamble, the words "and to indemnify the officers and other persons who have acted under them;" Section two.
VIII of 1869	An Act further to amend the Code of Criminal Procedure.	Section two, paragraph one.

SCHEDULE—*concluded.*

Number and year.	TITLE.	Extent of repeal.
XI of 1869	An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidencies of Fort St. George and Bombay.	Section two.
XIV of 1869	An Act to consolidate and amend the law relating to the District and Subordinate Civil Courts in the Presidency of Bombay.	Section two and the schedule.
XVIII of 1869.	An Act for imposing Stamp Duties on certain Instruments.	Section two and the schedule.
XX of 1869	An Act to provide for the good order and discipline of Volunteer Corps, and to invest them with certain powers.	Section three.
XXII of 1869	An Act to remove the Gáro Hills from the jurisdiction of the tribunals established under the General Regulations and Acts, and for other purposes.	Sections two and three.
XXIII of 1869.	An Act to enhance the duties leviable under the Indian Income Tax Act.	The whole.
XXIV of 1869.	An Act to enhance the price of Salt in the Presidency of Fort St. George and the duty on Salt in the Presidency of Bombay.	Section one.
VII of 1870	The Court Fees Act ...	Section two and the third schedule.

STATEMENT OF OBJECTS AND REASONS.

The preparation of a revised edition of the Statutes and Acts in force in British India has been for some time progressing in the Legislative Department. To facilitate the execution of this project, the present Bill (which is framed on the model of 30 & 31 Vic., cap. 59) proposes to remove from the Indian Statute-book, in whole or in part, 198 enactments (16 Statutes, 182 Acts) which have ceased to be in force otherwise than by express repeal. Of these, some are temporary; but their repeal is expedient to preclude doubts as to whether or not they have been continued or revived. Others have become obsolete by change of circumstances, and have thus merely an historical interest. Others have spent their force. Others, lastly, merely repeal prior enactments: but the repeal of this numerous class will greatly relieve the Statute-book, and the provision of the third section of the General Clauses' Act (I of 1868) will prevent the revival of the prior enactments repealed.

J. F. STEPHEN.

The 8th March 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th March 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks :—

No. 10 OF 1870.

A Bill to declare and consolidate the law relating to the local extent of the general Regulations and Acts, and the local limits of the jurisdiction of the High Courts and Chief Controlling Revenue Authorities.

Preamble.

WHEREAS it is expedient to declare and consolidate the law relating to the local extent of the general Regulations and Acts, and the local limits of the jurisdictions of the High Courts and Chief Controlling Revenue Authorities: it is hereby enacted as follows :—

GENERAL REGULATIONS AND ACTS.

Lower Provinces.

1. The existing general Regulations of the Bengal Code relating to the Lower Provinces of the Presidency of Fort William and the existing general Acts of the Governor General of India in Council extend to all the territories now subject to the Lieutenant Governor of Bengal, except the Districts and tracts of country mentioned or referred to in the first schedule hereto annexed.

North-Western Provinces.

2. The existing general Regulations of the Bengal Code relating to the North-Western Provinces of the Presidency of Fort William and the existing general Acts of the Governor General of India in Council extend to all the territories now subject to the Lieutenant Governor of the North-Western Provinces, except the province, jágír and tracts of country mentioned or referred to in the second schedule hereto annexed.

Madras Presidency.

3. The existing general Regulations of the Madras Code and the existing general Acts of the Governor General of India in Council extend to all the territories now subject to the Governor of Madras in Council, except the tracts of country referred to in the third schedule hereto annexed.

Bombay Presidency.

4. The existing general Regulations of the Bombay Code and the existing general Acts of the Governor General of India in Council extend to the places mentioned in the fourth schedule hereto annexed.

HIGH COURTS.

High Court, Fort William.

5. The jurisdiction and powers of the High Court of Judicature at Fort William extend to all the territories for the time being under the government of the Lieutenant Governor of Bengal, except those mentioned in the following enactments, namely :—

Bengal Act No. IV of 1863 *(to amend Act XXII of* 1860, *to remove certain tracts on the eastern border of the Chittagong District from the jurisdiction of the tribunals established under the general Regulations and Acts)*,

Act No. XVI of 1869 *(to exclude the ordinary Civil Courts from the cognizance of suits relating to land in the Bhután Duárs, and for other purposes)*, and

Act No. XXII of 1869 *(to remove the Gáro Hills from the jurisdiction of the tribunals established under the general Regulations and Acts and for other purposes)*.

High Court, North-Western Provinces.

6. The jurisdiction and powers of the High Court of Judicature of the North-Western Provinces of the Presidency of Fort William extend to all the territories for the time being subject to the Lieutenant Governor of the North-Western Provinces.

High Court, Madras.

7. The jurisdiction and powers of the High Court of Judicature at Madras extend to all the territories for the time being subject to the Governor of Fort St. George in Council.

High Court, Bombay.

8. The jurisdiction and powers of the High Court of Judicature at Bombay extend to the places mentioned in the fourth schedule hereto annexed.

REVENUE AUTHORITIES.

Board of Revenue, Lower Provinces.

9. The jurisdiction and powers of the Sadr Board of Revenue of the Lower Provinces extend to all the territories for the time being subject to the Lieutenant Governor of Bengal, except those mentioned in the following enactments, namely :—

Bengal Regulation XII of 1805 *(for the settlement and collection of the public revenue in the Zillah of Cuttack, including the Pergunnahs of Puttespore, Kummardichour, and Bograe, at present included in the Zillah of Midnapore)*, sections thirty-six and thirty-seven,

Act No. X of 1857 *(to amend Act XXXVII of* 1855, *to remove from the operation of the general Laws and Regulations certain Districts inhabited by Santhals and others, and to place the same under the superintendence of an officer to be specially appointed for that purpose)*,

Bengal Act No. IV of 1863 *(to amend Act XXII of* 1860, *to remove certain tracts on the eastern border of the Chittagong District from the jurisdiction of the tribunals established under the general Regulations and Acts)*.

Act No. XXII of 1869 *(to remove the Gáro Hills from the jurisdiction of the tribunals established under the general Regulations and Acts and for other purposes)*,

Board of Revenue, North-Western Provinces.

10. The jurisdiction and powers of the Sadr Board of Revenue of the North-Western Provinces extend to all the territories for the time being subject to the Lieutenant Governor of the North-Western Provinces.

Board of Revenue, Madras.

11. The jurisdiction and powers of the Board of Revenue of Madras extend to all the territories for the time being subject to the Governor of Madras in Council.

Revenue Commissioners of Divisions, Bombay.

12. Subject to the provisions of Act No. XVII of 1842, *(relative to the number and powers of the Revenue Commissioners under the Presidency of Bombay)* the jurisdiction and powers of the Revenue Commissioners of the Northern and Southern Divisions of the Presidency of Bombay extend to the places mentioned in the fourth schedule hereto annexed.

MISCELLANEOUS.

Saving of present Districts.

13. Nothing herein contained shall be deemed to affect the existing constitution of Districts, or of the several Courts and revenue offices subordinate to the High Courts and Sadr Boards of Revenue or other chief controlling Revenue Authorities respectively in the territories comprised in this Act.

Power to alter limits of Districts.

14. The Governor General in Council generally, and the Local Government within the territories subject to its controul, shall have power from time to time to alter the limits of existing Districts, and to vary the local limits of the jurisdictions of the Revenue Authorities and of the Civil and Criminal Courts subordinate to the High Court.

Power to appoint officers to administer scheduled tracts.

15. The Local Government may from time to time appoint officers to administer civil and criminal justice and to superintend the settlement and realization of the public revenue and of all matters relating to rent within the Districts and parts of Districts mentioned or referred to in the first, second and third schedules to this Act annexed,

and, in case the jurisdiction and powers of the High Court extend to such Districts and parts of Districts, may from time to time determine to what extent the decisions of such officers shall be final, and when an appeal shall lie to the High Court.

All officers so appointed shall, in the matter of the administration and superintendence aforesaid, be subject to the controul of the Local Government, and be guided by such instructions as the Local Government may from time to time issue.

Place of imprisonment or transportation.

16. Any person liable to be imprisoned or to be transported beyond sea under any order or sentence passed by any officer appointed under section fifteen, may be imprisoned in such jail or transported to such place as the Local Government shall direct.

Questions of disputed boundary.

17. Whenever any question arises whether any place falls within the boundary of any of the Districts and parts of Districts mentioned or referred to in any of the said schedules, such officer, as the Local Government shall from time to time appoint, may consider and determine on which side of the boundary such place lies, and the order made thereon by such officer shall be final.

Indemnity-clause.

18. All persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had then been in force, and no suit or other proceeding shall be maintained against any such person in respect of anything so done.

Saving of 28 Vic., chapter 15, section 3.

19. Nothing in this Act shall be deemed to affect the power conferred on the Governor General of India in Council by the Statute twenty-eighth of Victoria, chapter fifteen, section three.

Repeal of enactments.

20. The enactments mentioned in the fifth schedule to this Act annexed are repealed to the extent specified therein.

SCHEDULE I.

The Districts comprised in the Assam and Cooch Behar Divisions, the Cachar District, and the tracts of country specified in the following enactments, namely :—

Act No. XXII of 1869 *(to remove the Gáro Hills from the jurisdiction of the tribunals established under the general Regulations and Acts and for other purposes)*,

Bengal Act IV of 1863 *(to amend Act XXII of* 1860, *to remove certain tracts on the eastern border of the Chittagong District from the jurisdiction of the tribunals established under the general Regulations and Acts)*,

Act No. X of 1857 *(to amend Act XXXVII of* 1855),

Bengal Regulation XIII of 1833 *(for abolishing the Courts of Dewanny Adawlut of the Zillahs of Ramghur and Jungle Mahals, and for providing Special Rules for the superintendence of certain tracts of country at present included in the Zillahs of Ramghur, Jungle Mahals and Midnapore)*,

and Bengal Regulation XII of 1805 *(for the settlement and collection of the public revenue in the Zillah of Cuttack, including the Pergunnahs of Puttespore, Kummardichour, and Bograe, at present included in the Zillah of Midnapore)*, sections thirty-six and thirty-seven.

SCHEDULE II.

The province of Kumaon, the Ajmere, Jhánsí, Lullutpore and Jaloun Districts, the jagheer near Teroha granted to His Highness Amrut Rao and the tracts of country specified in the following enactments, namely :—

Act No. XIV of 1861 *(to remove certain tracts of country in the Rohilkund Division from the jurisdiction of the tribunals established under the general Regulations and Acts)*,

Act No. XIX of 1864 *(to remove certain tracts of country in the District of Mirzapore from the jurisdiction of the local Courts)*,

and Bengal Regulation XXII of 1812 (*for exempting certain Territories and Jaghires situated on the borders of the Zillah of Bundleecund from the operation of the general Regulations, and for annexing to that Zillah certain lands formerly composing a part of the Jaghire of the Killadar of Calenger*).

SCHEDULE III.

The tracts of country specified in Act No. XXIV of 1839 (*for the administration of justice and collection of the revenue in certain parts of the Districts of Ganjam and Vizagapatam*).

SCHEDULE IV.

SURAT ZILLAH.

The city and port of Surat, and town of Randier, and their dependencies.

The pergunnah of Chourasee.

The pergunnah of Chiklee.

The eight pergunnahs of Bulsar, Parneira, Bhootsur, Parchol, Soopa, Surbhan, Walor, and Boharee.

The Kusba of Bardolee.

The three villages of Kuttergaum, Koomarea and Phoolpara.

The pergunnah of Currode.

The pergunnah of Bhugwara.

The pergunnah of Turkeysir.

The Kusba of Mota.

The village of Mugnula, with some adjoining lands of the village of Peeplod.

The pergunnah of Oolpar.

BROACH ZILLAH.

The pergunnahs of Hansot and Oklasur.

The town and pergunnah of Broach.

The three pergunnahs of Jumbooseer, Ahmod, and Dejbara.

EASTERN ZILLAH, NORTH OF THE MYHEE (KAIRA.)

The tuppa of Naupar.

The inám town of Kaira, and its dependencies.

The three pergunnahs of Neriad, Mahtar and Moondha.

Sixteen villages of Dholka, east of the Saburmutty river.

The pergunnah of Kupurwunj.

The tuppa of Bahlej.

The four villages of Sundana, Antrolee, Wasna, and Kurnej.

The five pergunnahs of Mahmoodabad, Antrolee, Alena (except the two villages of Nikol and Sanoda), Tasra and Duskuroee, to the east of the Kharee river.

The paishwa's share of the Pitlaud pergunnah.

The town of Oomrut.

WESTERN ZILLAH, NORTH OF THE MYHEE (AHMEDABAD.)

The three pergunnahs of Dundooka, Ranpoor, and Gogo.

The pergunnah of Dholka, except sixteen villages which are east of the Saburmutty river.

The city of Ahmedabad.

The Duskuroee pergunnah, to the west of the Kharee river.

The pergunnah of Veerumgaum.

The two villages of Nikol and Sanoda, in the Alena pergunnah.

The pergunnah of Purantej.

The Paishwa's share of the districts of Byar, Hursol, and Morassa.

ZILLAH OF THE NORTHERN KONKAN.

The islands of Salsette and Caranjah and their dependencies.

The districts of Bellapoor, Autgaum and Kalian, and all the other territories of the Paishwa Bajee Row, extending north of those districts as far as the Damaun river, and lying between the ghauts and the sea.

The territories of the Paishwa Bajee Row, extending south of the districts of Bellapoor, Autgaum and Kalian, as far as the Apta river, and lying between the ghauts and the sea, with the exception of the town of Apta and the villages of Koralwaree and Sendapoor in the Kurnala talooka.

So much of the Voorwulect turuf, north of the Apta, as belonged to the State of Colaba with the exception of the following ten villages, and twenty-five khars:

Villages.—Woolvie, Turghur, Dapolee, Kopur, Pohee, Parengur, Koondeywal, Masor, Awrey, and Gowan.

Khars.—Nandaee Neemba, Khar Wasunee, Hurrichundur Peemplee, Kaljee Gobur, Booreyboozoorg, Band Khar, Khat Khar, Waltee Mhalaee, Sonkhar, Bhangaree-boozoorg, Rel-Khar, Pond Khar, Shemptee Waltee, Danwacha-Kota, Chiklee-bhom, Motee Khar, Ranjun Khar, Hurischundurkota, Gowendee, Boree-khoord, Boree-cha-kota, Kopur, and Pota-cha-moonh.

So much of the Toongartun Muhal, north of the Apta, as belonged to the State of Colaba, with the exception of the village of Wat.

The four villages, Tulowrey, Chandajee, Goorvey, and Nurol, in the Vuredy turuf.

The two villages Dewroog and Khurwarboozoorg, in the Soonalee taraf.

The village Amburjey in the Sherey taraf.

The village Ambolee, in the Burey taraf.

The three villages Nitaley, Nourey, and Khyruney, in the Tulozeh taraf.

The three villages Kampoolee, Dewkur, and Bhanwuj, in the Bortee taraf.

ZILLAH OF THE SOUTHERN KONKAN.

Fort Victoria, and its nine dependent villages.

The fort and island of Sindoodroog, in Malwan, and the forts of Puddunghur, Rajkot, and Serjeekot, with the villages and lands dependent on the said forts.

The fort of Vingorla with six hundred yards around.

The rest of the valley of Vingorla.

So much of Wurar and Muloonde as belonged at the time to the State of Waree.

The territories of the Paishwa Bajee Row, bounded on the north by the Apta River, and on the south by the Karlee or Malwan River, and lying between the ghauts and the sea, with the four following exceptions:—

1*st*.—The Oonderee talooka, except the village of Khar Dolvie, which village belongs to the zillah.

2*nd*.—The three following villages in Chawool; *viz*., Waolee, Karley, and Komprolee.

3*rd*.—The five following Warees in Chawool and Thul, *viz*., Pakaree Rameshwur, Pakaree Bolawee, Ramajee Mahadeo, Vessajee Keshow, and Wursolee.

4*th*.—The oarts belonging to and situated without the walls of the fort of Rewdunda.

The nine following sea-coast villages in the tarafs of Ajgaum and Paut, *viz*:—

OF AJGAUM:

Raree, Arowlee, and Seerodee.

OF PAUT:

Dabolee, Kanolee, Keyloos, Mahapun with the adjoining fort of Newtee, Konchuree, and Purolen.

So much of the Toongartun taraf situated south of the Apta River, as belonged to the State of Colaba, with the exception of the village of Khuraree-boozoorg.

The two villages, Wureree and Shetolee, and the four Khars, Sonkhar, Dhadur Khar, Khar Dubaba, and Dolvie Khar, in the Humrapoor taraf.

THE PRESIDENCY.

The revenue jurisdiction of the Island of Bombay and its adjacent dependencies.

ZILA OF POONA.

The two tarafs, Havelee Poona and Kurtya Mawul.

The fifteen following villages of the taraf Kairoo Barra, *viz*:—

1. Seurey.	6. Arvee.	11. Gavurdurry.
2. Kondunpoor.	7. Dewrey.	12. Gogulwara.
3. Kullian.	8. Kamsey.	13. Kaumthurree.
4. Rahtowrey.	9. Khetcowla.	14. Khair Sewapoor.
5. Ombrey.	10. Koombosee.	15. Kelwur.

The three following villages of the taraf Moosa Khora, *viz*:—

1. Jamlee. | 2. Sonapoor. | 3. Sangroon.

The three following villages of the taraf Moota Khora, *viz*:—

1. Ambegaum. | 2. Bhowlee. | 3. Ambee.

The two following villages of the taraf Kanud Khora, *viz*:—

1. Vinjer. | 2. Antrolee.

The eighteen tarafs, Sandus, Pautus, Panbul, Maholoonga, Owsirree, Khair, Chakun Gora, Warra Ambegaum, Juneer, Wotoor, Ala, Bela, Murkhora, Kokutneer, Minneer, and Naraingaum.

The ten following villages of the taraf Kurda, *viz*:—

1. Ambee.	5. Nandoor Kundoomal.	8. Lingdee.
2. Khamboree.	6. Bhaugree.	9. Ghasgaum.
3. Burradee.		
4. Lowkee.	7. Aldurrey.	10. Peempulgaum Joga.

The three tarafs, Undur Mawul, Nanee Mawul, and Pour Khorey.

The thirty-two following villages of the taraf Pown Mawul, *viz*:—

1. Kureenj.	12. Aptee.	23. Yelsee.
2. Ambegaum.	13. Kauter Kurruk.	24. Beburwohol.
3. Poosanee.	14. Mullowlee.	25. Reehey.
4. Chandkher.	15. Shewlee.	26. Pauchaney.
5. Keeley.	16. Aridew.	27. Bersee.
6. Sheotee.	17. Shewner.	28. Budowlee.
7. Sindgaum.	18. Bower.	29. Arrey.
8. Pawley.	19. Thoogaum.	
9. Kurdey.	20. Purdowree.	
10. Sirowlee.	21. Mahagaum.	30. Ooorsee.
		31. Gotowra.
11. Ghewundee Alwun.	22. Koosgaum.	32. Adaley Khoord.

The three tarafs, Kurree-Puthar, Sassor, and Soopa.

So much of the two tarafs Neer Thurree and Seerwul as lies north of the Neera River with the exception of the villages of Watar, Bhambourdy, and Goonund.

The six tarafs Indapoor, Baramuttee, Mohol, Oondurtuppa to the west of the Seena River, Bhoosey, and Teimboornee.

The four following villages of the taraf Kurkumb, *viz*:—

1. Goorsally. | 3. Kuroley.
2. Badulkot. | 4. Oojeence.

The two following villages of the taraf Kathee, *viz*:—

1. Soorstee. | 2. Shunkurgaum.

The three tarafs, Sholapoor, Ahirwaree, and Mundroop.

The five following villages denominated the Summot Phootgaum, *viz*:—

1. Undal. | 4. Darphul.
2. Mooranchee. | 5. Mungrool.
3. Nerkher.

The seven tarafs, Indee, Taumba, Hiperga, Julwud-Kokutnoor, Almela, Burdool, and Ooklee.

The three following villages of the taraf Havelee Beejapoor, *viz*:—

1. Ookmunhal. | 2. Kowlga. | 3. Ahleabad.

The four following villages of the taraf Hortee, *viz*:—

1. Ranjunhal. | 3. Teelihal.
2. Minchunhal. | 4. Kyatilkeery.

The Kusba of Sindghee.

The five following villages of the taraf Honwar, *viz* :—

1. Ramteerut.	3. Arahullee.	5. Ghonusghee.
2. Yeteenhal.	4. Kultowteghee.	

The seven following villages of the taraf Antee, *viz* :—

1. Arulhuttee.	4. Mungsoola.	6. Sumbarga.
2. Ubeehal.	5. Bulgheree.	7. Bemunhal.
3. Tungurree.		

The two following villages of the taraf Hulsinghee, *viz* :—

1. Bhutgoonkee.	2. Goteehal.

The three following villages, *viz* :—

1. Awurkor.	2. Heeney Pursulghee.	3. Soorpal.

The two tarafs, Tallicotta and Nalitwaur.

The kusba of Bhaghewaree, and the two villages of Musbinhal and Yerwaul.

The three following villages in the taraf Mohumudpoor, *viz* :—

1. Jynapoor.	3. Goorodhal.
2. Boodenee.	

The village of Bhaganuggur, taraf Sednàk.

The seven following villages of the taraf Chimulghee, *viz* :—

1. Disalkop.	4. Golsinghee.	7. Maundghee.
2. Mijurkop.	5. Ghurree.	
3. Mookarteehal.	6. Liklewaree.	

ZILLAH OF AHMEDNUGGUR.

(*Ahmednuggur Collectorship*).

Barsee Panch Muhals.

The Paishwa's share of the pergunnah Dokey.

The village of Wagholey in the Dharoor pergunnah.

So much of the pergunnah Havelee-Purinda as lies west of the Seena River, and the village of Sonaree to the east of the said river.

The two pergunnahs of Jamkhair and Wanghee.

The Paishwa's share of Praunt Kurrewureet, and that part of the Nizam's share which lies west of the Seena River.

The Paishwa's share of the Ashtee pergunnah and the taraf Manoor.

The two tarafs Nuggur Havelee and Ranjungaum.

The pergunnah Parnair.

The nine following villages in taraf Belhey, *viz* :—

1. Dowulgaum.	4. Babra.	7. Oookurgaum.
2. Orngaum.	5. Kolgaum.	8. Eesapoor.
3. Kurnjowna.	6. Seedoree.	9. Andulgaum.

The two pergunnahs of Kurdah and Neywassa, except the village of Julkey.

The two tarafs Ganjih-Bhoeera and Wawrud.

The pergunnah Baragaum Nundoor.

The Paishwa's share of the two pergunnahs Byazpoor and Gandapoor, together with the village of Taklee.

The pergunnah Sungumnair, together with the three kusbas of Rhateh, Phooltamba, and Whawa.

The thirteen pergunnahs, Dandurphul, Kotool, Ankola, Sinnur, Khoombaree, Patoda, Nassik, Trimbuk, Waghera, Wunnee, Deendoree, Shewgaum, and Chandor.

(*Khandesh Collectorship*).

The thirteen pergunnahs, Lulling, Songer, Nher, Amulner, Betawud, Dhangree, Gurondol, Jullod, Chundshuhr, Bhurgaum, Bhal, Ootran and Muswa.

The pergunnah Pachora (which belongs to Sindia, but is governed by the British).

The taraf Lohara-Havelee (which belongs to Sindia, but is governed by the British).

The taraf Sangwee, in the Lohara pergunnah.

The five pergunnahs, Sendoornee, Chalcesgaum, Rajdesh, Mahumbaraee, and Manikpoory.

The eighteen following villages of the Kunna pergunnah, *viz* :—

1. Rolter.	7. Nyadomgree.	13. Toonvuney.
2. Rohilla.	8. Sahkegaum.	14. Pullasgaum.
3. Porkree.	9. Kudrey.	15. Malpoor.
4. Mulligaum.	10. Kunedee.	16. Vetulpoor.
5. Champaneer.	11. Julgaum.	17. Mukrundurpoor.
6. Heengunney.	12. Jamdee.	18. Nursingpoor.

The two kusbas of Ranjungaum and Jateygaum.

The twenty-one pergunnahs, Galna, Chikulwal, Tokrah, Jorgah, Lohonair, Wakaree, Sandus, Jaytcypoor, Pissol, Tilwur, Koralee, Otoor, Pala, Hutghur, Kunnassee, Pimpla, Pimpulnair, Dhywul, Warsa, Bhamain, Nowapoor, and the three pergunnahs Nundoorbar, Sooltanpoor, and Kookurmoondah, with the exception of the villages mentioned in the schedule annexed to Act XI of 1846.

The three kusbas of Pankera, Oomurputta, and Chowpala.

The principality of Akranee.

The pergunnah of Choprah (which belongs to Sindia, but is governed by the British).

The two pergunnahs of Thalner and Amba.

The kusba of Sindwa.

The pergunnah of Yawul (which belongs to Sindia, but is governed by the British).

The two pergunnahs of Arawud and Sowda.

The village of Changdeo.

The pergunnah of Rawer, including the taraf of Pal.

The four pergunnahs of Nusserabad, Jamnair, Bhoodwur, and Bornar.

The thirteen following villages of the Kunner pergunnah :—

1. Chicklethan.	8. Jowoolkee.	
2. Hutnoor.	9. Garagaum.	
3. Bansendry.	10. Khuwitkehra.	
4. Wuddaly.	11. Ansul.	
5. Bhokurgaum.	12. Bahagaum.	
6. Solegaum.	13. Bhokungaum.	
7. Bahoolkhera.		

The three following detached villages from the pergunnah of Edulabad :—

1. Witwa.	3. Managaum.
2. Melsanguy.	

The village of Unterkhera detached from the pergunnah of Jynabad.

The thirty-two pergunnahs Dharwar, Nowlgoond, Gudug, Bunkapoor, Siggâon, Hangul, Adoor, Misserrecotah, Old Hoobly, New Hoobly, Eyurnee, Goottul, Kagenellee, Kode, Herekeroor, Chickkeroor, Cooppelroor, Tilwully, Khanapoor, Moorgode, Bagulkotah, Rollee, Beelgee, Badamee, Keroor, Moodkuvee, Hoongoond, Nundwargee, Indee, Taumba, Hiperga, and Jalwadkokutnoor.

Pergunnah Karduga (with the exception of the villages of Sawlgaon, Balihully, Jogeswere, Kondoor, Woginkeree, Indoor, Urshenageree, and Honagoond, included in the Sonda province, under the Madras Presidency, Yareeboodihall, belonging to Chintamun Row Sahib Sangleekur; Yellapoor, belonging to Madhew Row Sahib Meritchkur; and Savanoor, Holunhully, Chilloor, Tobuda-Hoolikutty Gubboor, Munkutty, Jekinkutty, Toroor, Siddapoor, Yekkeekhope, Cubbanoor, Wuddinakope, Naikeroor, Tendoor Munoor, Meerulkutty, Dommur-Muttoor, Moolkerry, Madapoor, Busavunkope, Chundapoor, Kulliwal, Nundihully, Honneekope, and Soorupakutty, belonging to the Nuwab of Savanoor).

Pergunnah Nirsungee (with the exception of the villages of Warulugee, and Woneekerry, included in the Sonda province, under the Madras Presidency).

Pergunnah Turus (with the exception of the villages of Balinhully and Kulkeree, included in the Sonda province, under the Madras Presidency).

Pergunnah Pachapoor (with the exception of the villages of Bussapoor, Huggedahall, Urlekutty, Seroor, Shahbundur, Islampoor, and Ghootgoody, belonging to the Rajah of Colapore: Toommurgooddy and Hurunkolla, belonging to Chintamun Row Sahib Sangleekur; and Boodihall and Mulbemurdee, belonging to Rughoonath Row Sahib Koorund Warkur).

Pergunnah Rance Bednore (with the exception of the village of Mun-Milar, included in the Bellari District, under the Madras Presidency).

Pergunnah Ruttehully (with the exception of the village of Ookudgutree, belonging to the Rajah of Mysore).

Pergunnah Mausoor (with the exception of the villages of Khuwaspoor and Gooludhully, belonging to the Rajah of Mysore).

Pergunnah Almella (with the exception of the villages of Haukoanhully and Moorganoor, belonging to the Soorpoor Rajah, Nizam's territories).

Pergunnah Burdole.

Pergunnah Talicottah (with the exception of the villages of Bhuttnoor, Tuggurtuggee, Allapoor, Nagavee-Allapoor, Narainapoor, Holikeree, and Vudgerree, belonging to the Soorpoor Rajah, Nizam's territories).

Pergunnah Nalitwaur (with the exception of the villages of Mudlingud-hully, Kolegoodah, and Busapoor, belonging to the Soorpoor Rajah, Nizam's territories).

The six tarafs Carkope, Marudagee, Oogurgole, Morub, Medlary, and Vutnal.

The twenty-two Kurryats Ameenbhavee, Narendur, Devur-Hoobly, Tudkode, Eckoondee, Bettigerah, Umbudgutty, Sumpgaon, Bagewadee, Kardulvully, Golehully, Nundgurh, Hulsegee, Kuckeree, Karlugee, Lokolee, Munolee, Muztee, Yellee-Munolee, Sudalgah, Sindogee, and Suttigerree.

Kurryat Nesurgee (with the exception of the village of Mudunbhavee, belonging to Siddojee Row Naik Nimbalkur, Sur-Lushkur, *alias* Nepanekur).

Kurryat Belwadee (with the exception of the village of Doddwar, belonging to the Chintamun Row Sahib Sangleekur).

Kurryat Kubboor (with the exception of the village of Belakode, belonging to Siddojee Row Naik Nimbalkur, Sur-Lushkur, *alias* Nepanekur).

The five summits Tegoor, Kulkeree, Kulghutge, Bommeekutty, and Toombah.

The twelve villages under the Fort of Kullanideegurh.

Fort of Heree Gundhurvgurh and its dependencies.

Fort of Gudjendragurh and its dependencies.

The five following villages of the pergunnah Nurgoond, *viz* :—

1. Tudahal.	3. Auchmutty.	5. Revudekope.
2. Kurkeecutty.	4. Gooloogoondee.	

The thirteen following villages of the pergunnah Govincopp, *viz* :—

1. Benkuncopp.	6. Khanapoor.	10. Hurlapoor.
2. Urshingode.	7. Mudgoonkee.	11. Govuncopp.
3. Hunchinall.	8. Gobburgoompee.	12. Mullapoor.
4. Hudgulee.	9. Bettud Koosogul.	13. Javoor.
5. Coorulgery.		

The four following villages of the pergunnah Azumnugur, *viz* :—

1. Kusba Belgaon.	3. Sindolee.
2. Hindulgee.	4. Munnoor.

The eight following villages of the pergunnah Shapoor, *viz* :—

1. Koodchee.	4. Dhamnee.	7. Moduga.
2. Kunabergee.	5. Moochundee.	8. Chundgurn.
3. Chundunhosoor.	6. Yulebile.	

The village Chickwudavully of the pergunnah Sirhutty.

The seven following villages of the pergunnah Lutchmesswer, *viz* :—

1. Sunkleepoor.	4. Humigee.	6. Mullikarzunpoor.
2. Budnee.	5. Goommagole.	7. Chakinkeree.
3. Vittulapoor.		

The village of Boodihal of the pergunnah Coondgole.

The village of Algoondee of the pergunnah Machucknoor.

The seven following villages of the pergunnah Ooklee, *viz* :—

1. Kusba Ooklee.	5. Nundeehall.	
2. Mungolee.	6. Yembutnahall.	
3. Coomutgee.	7. Hutturkeehal.	
4. Bissulhall.		

The four following villages of the pergunnah Hortee, *viz* :—

1. Rajunhal.	3. Teelihal.	
2. Minchunhal.	4. Kyatunkerry.	

The five following villages of the pergunnah Honwar, *viz* :—

1. Ramteerut.	3. Arahullee.	5. Ghonusghee.
2. Yeteenhal.	4. Culkowteghee.	

The three following villages of the pergunnah Bagewadee, *viz* :—

1. Kusba Bagewadee.	2. Musbinahall.	3. Yernal.

The nine following villages of the pergunnah Alnee, *viz* :—

1. Arulhuttee.	4. Mungsoola.	7. Bomunhal.
2. Ubeehal.	5. Bulgheree.	8. Mudhabhavee.
3. Tungurree.	6. Sumbarga.	9. Partunhullee.

The village of Bhuhtgoonkee, of the pergunnah Hulsinghee.

The village of Awurkore, of the pergunnah Gurrikokutnoor.

The village Pursulghee, of the pergunnah Bidurree.

The following village of the pergunnah Ghote, *viz* :—

Soorpah.

The seven following villages of the pergunnah Chimulghee, *viz* :—

1. Bisalkop.	4. Golsinghee.	6. Siklewaree.
2. Muzurekop.	5. Ghunee.	7. Marudghee.
3. Mookarteehall.		

The village of Bhaganugur, of the pergunnah Siddanath.

The two following villages of the pergunnah Mohumudapoor, *viz* :—

1. Jynapoor. | 2. Boodenee.

The two following villages of the pergunnah Terdhall, *viz* :—

1. Suputa Saugur. | 2. Khemlapoor.

The three following villages of the pergunnah Mungulwehda, *viz* :—

1. Kuvatholy. | 2. Donuz. | 3. Umbeh.

The village Konnoor, in the pergunnah Jumkhundy.

The four following villages of the pergunnah Vittul Vishram, *viz* :—

1. Rajgotee.	3. Sooppeh.	
2. Coondanoor.	4. Toorkewadee.	

The six following villages of the pergunnah Moolgoond, *viz* :—

1. Bundawar.	3. Hossoor.	5. Sittaulhurree.
2. Cunavee.	4. Bussapoor.	6. Serooz.

The four following villages of the taraf Konnoor, *viz* :—

1. Heerecopp.	3. Hagnoor.	
2. Humpiholee.	4. Belleree.	

The four following villages of the taraf Sanklee, *viz* :—

1. Kelileh.	3. Holludeh.	
2. Mendileh.	4. Tanahee.	

The three following villages of the taraf Munnery, *viz* :—

1. Mirvale. | 2. Morule. | 3. Wadee.

The two following villages of the taraf Hurlapoor, *viz* :—

1. Nursapoor. | 2. Vobulapoor.

The village Rokudkutty of the taraf Bunnoor.

The three following villages of the Kuryat Usoondee, *viz* :—

1. Usoondee. | 2. Kurekutty. | 3. Koorwuncopp.

The fourteen following villages of the Kuryat Hoolee, *viz* :—

1. Kusba Hoolee.	6. Rottigawad.	11. Tooppudacoorhutty.
2. Cuplee.	7. Udanoor.	12. Yamgull.
3. Munikutty.	8. Dadericopp.	13. Hooleekutty.
4. Belwunkee.	9. Bingudakutty.	14. Sortoor.
5. Kouzagerry.	10. Konkancoozhutty.	

The three following villages of the Kuryat Ingulhully, *viz* :—

1. Nulwudee. | 2. Moollahully. | 3. Sirgooppee.

The two following villages of the Kuryat Hebbly, *viz* :—

1. Kusba Hebbly. | 2. Sevully.

The three following villages of the Kuryat Udgul, *viz* :—

1. Nippunhall. | 2. Uluknoor. | 3. Beerunhall.

The twenty following villages of the Kuryat Sholapoor, *viz* :—

1. Kusba Sholapoor.	8. Honnolee.	15. Sunkesswere.
2. Naganoor.	9. Konunkeree Pimpulgaon.	16. Tuvdee.
3. Goodeecooppee.	10. Kunagulla.	17. Booktialoor.
4. Hurgapoor.	11. Hittnee.	18. Unklay.
5. Kuruzgee.	12. Rasingkhoord.	19. Bakunhal.
6. Shendoor O'Rasing Boozoorg.	13. Hudulageh.	20. Baur.
7. Shenkinhosoor.	14. Bhuhirapoor.	

The nine following villages of the Kuryat Saongaon, *viz* :—

1. Benodee.	4. Ronganolee.	7. Audee.
2. Huddanal.	5. Soolgaon.	8. Suwadulga.
3. Muttiwad.	6. Bhatnagnoor.	9. Hunchinhall.

The eighteen following villages of the Kuryat Laut, *viz* :—

1. Chinchanee.	7. Pudlehal.	13. Uckolo.
2. Jettrat.	8. Lukhnapoor.	14. Muhumudapoor.
3. Nahingalez.	9. Guhwan.	15. Booddulmookh.
4. Hoonurgee.	10. Boodihall.	16. Roomtolee.
5. Siddunhal.	11. Kodanee.	17. Pangureh.
6. Yernal.	12. Coorlee.	18. Girgaon.

The seven following villages of the Kuryat Naiz, *viz* :—

1. Mowza Chickoree.	3. Gulutgah.	6. Naiz.
2. Pett Chickoree.	4. Kothely.	7. Koonnoor.
	5. Ummangee.	

The thirteen following villages of the Kuryat Nesuree, *viz* :—

1. Pett Duddee.	6. Moduga.	10. Beelkee.
2. Auludhal.	7. Naganoor.	11. Sulanwadee.
3. Uttehal.	8. Khuvunewadee.	12. Kote.
4. Ramewadee.	9. Shettihully.	13. Dhondgutty.
5. Bedurewadee.		

The village Baganee of the Kuryat Doodgaon.

The three following villages of the taraf Havelee Beejapoor, *viz* :—

Ookmunhal. | 2. Kowlga. | 3. Ahleabad.

The twenty-six following villages of the Tuppeh Changurh, *viz* :—

1. Kusba Chandgurh.	9. Kolendra.	18. Eesapoor.
2. Kodolee.	10. Adoor.	19. Konewadee.
3. Bezulga Doodurwadee.	11. Naundurida.	20. Oomgaon.
4. Sipoor.	12. Ussgaon.	21. Navga.
5. Savurda.	13. Soolye.	22. Pilnee.
6. Goolwuda.	14. Humbera.	23. Jambera.
7. Vagothurr.	15. Khamdul.	24. Nuhurulee.
8. Manugaon.	16. Paurla.	25. Bhogolee.
	17. Kokura.	26. Kolendra.

The four following villages of the Prant Raibaug, *viz* :—

1. Uckewat. | 2. Nauguz. | 3. Inglee. | 4. Unkalee.

The twenty-eight following villages of the Prant Miritch, *viz* :—

1. Huttanoor ...	...	Kuryat Tauzgaon.
2. Coodchee ...	...	Do. Mysal.
3. Chundoor ...	...	
4. Qusba Issapoor	...	
5. Chickul Gothun	...	Do. Issapoor.
6. Nunbulkeh	...	
7. Bedug ...	...	Do. Beduga.
8. Goondewadee	...	
9. Gourwad ...	...	
10. Aoorwad ...	...	Do. Sirhutty.
11. Tauklee ...	...	
12. Brumhanal	...	Do. Sanglee.
13. Pudamaul ...	...	
14. Toong ...	...	Do. Deguruz.
15. Hingungaon	...	Do. Kaotah Mahunkaul.
16. Dhamnee ...	...	Do. Havelee.
17. Vasumba ...	...	Do. Kaotah.
18. Zurundee ...	...	Do. Anjunee.
19. Kowluga ...	...	Do. Sawurde.
20. Curolee ...	...	Do. Desing.
21. Shipoor ...	...	Do. Ainapoor.
22. Bekeeree ...	...	
23. Rajapoor ...	...	
24. Nundeekoorlee	...	
25. Keroor ...	...	Do. Joogul.
26. Yedoor ...	...	
27. Kullholey ...	...	
28. Shahapoor ...	...	

The following village of the Prant Kagul, *viz* :—

Mauzurree.

The thirty-eight following villages, not belonging to any particular pergunnah or other territorial division, *viz* :—

1. Sowndutty.	15. Hoolginhal.	28. Ettagee.
2. Kotewada.	16. Kearcopp.	29. Gundhigwad.
3. Halkoosoogal.	17. Guzputty.	30. Toligee.
4. Culkoree.	18. Gadeekopp.	31. Qusba Hoockeree.
5. Mulligwad.	19. Huttiholee Khoord.	32. Pett Hoockeree.
6. Moogulkhan. Hoobly.	20. Alagunecopp.	33. Choolakee.
7. Umrapoor.	21. Bogoor.	34. Goruvbal.
8. Veerapoor.	22. Dausticopp.	35. Kuggudhal.
9. Hundoor.	23. Hootikottul.	36. Gorwunkolla.
10. Tulwarcopp.	24. Budus.	37. Bussedonee.
11. Margunecopp.	25. Coockadolly.	38. Sindugee.
12. Kusmulgee.	26. Jeeknoor.	
13. Umbegapoor.	27. Devur Sigehully.	
14. Beelamurree.		

The tract of country, comprising certain lands on the Mahabuleshwur Hills, inclusive of the village of Paur (with the exception of the fort of Purtabghur and its established lands), ceded by the Rajah of Sattara under a treaty with the British Government, and such part of the road, with a space of two hundred English yards on each side thereof, leading from the boundary of the aforesaid cession to the top of the Paur Ghaut as may not be within the limits of the aforesaid village of Paur, the extent, measurement, and bearings of which are particularized in the map and schedule annexed to the aforesaid treaty.

The whole village of Moja Assood, taraf Jalgaum, talooka Severndroog, Zillah Rutnagurree.

Half village of Moja Patamsaee, taraf Nagotana, talooka Sanksea, zillah Tannah. Whole village of Moja Khanley, taraf Pen, talooka Sanksea, zillah Tannah.

1. Village of Deeghatee.		
2. Do. of Sau.		
3. Do. of Kasarbhat.		
4. Do. of Kelwaney.		
5. Do. of Poonadey.		
6. Do. of Rawey.		
Names of the Khars.		
1. Sau Khar.		
2. Sukum Khar.		
3. Doobanee Khar.		Taraf Ourwullut, talooka Panwell, zillah Tannah.
4. Bhungaree Khoord Khar.		
5. Tarbund Khar.		
6. Bhumgaree Chakota Khar.		
7. Antra Bamda Khar.		
8. Antra Boodrook Khar.		
9. Bhundar Khar.		
10. Tullay Khar.		
11. Josu Khar.		
12. Rawey Khar.		

THE LAPSED JAGHEER OF CHINCHNEE.

Pergunnah Neergoondee.

1. Kusba Neergoondee.	10. Moje Eettgee.
2. Moje Hebbal.	11. „ Rajnal.
3. „ Keersal.	12. „ Bidnal.
4. „ Abbihal.	13. „ Koorganoor.
5. „ Yelgoor.	14. „ Aldinnee.
6. „ Kasimkoontee.	15. „ Gonal.
7. „ Boodihal.	16. „ Katapoor.
8. „ Musootee.	17. „ Dewlapoor.
9. „ Moodepoor.	18. „ Murikuttee.
	19. „ Neerulbhavee.
	20. „ Aresbunker.
	21. „ Wadwadgee.

Pergunnah Chandkowte.

1. Kusba Chandkowte.	7. Moje Daberee.
2. Moje Chutterkee.	8. „ Eetunhullee.
3. „ Roogee.	9. „ Gugunhullee.
4. „ Moolsawulgee.	10. „ Solapoor.
5. „ Aheree.	11. „ Hunchinal.
6. „ Jumbgee.	12. „ Kurulwar.
	13. „ Umkulgee.

Pergunnah Ooklee.

1. Moje Donoor.	4. Moje Kuggoor.
2. „ Neginhal.	5. „ Hurgullee.
3. „ Noollah.	6. „ Hurginhal.
	7. „ Honutgee.

Pergunnah Nuldroog.

1. Moje Kesurzuwulgee.	5. Moje Kalegaon.
2. „ Moostee.	6. „ Ebhrampoor.
3. „ Sulgur.	7. „ Kakrumb.
4. „ Arlee.	8. „ Tudwuleh.
Moje Pooluz.	Pergunnah Mohul.
„ Hurulgee.	„ Kulboorga.
„ Hottgee.	„ Ahirwaree.
„ Awrad.	„ Mundroop.
„ Moogulee.	„ Maindurgee.

Pergunnah Hortee.

1. Kusba Hortee.	13. Moje Busnal.
2. Moje Koloorgee.	14. „ Sawulsung.
3. „ Domnal.	15. „ Hulgoonkee.
4. „ Kunchinal.	16. „ Goondwan.
5. „ Muknapoor.	17. „ Sonkunhullee.
6. „ Boblad.	18. „ Koorgee.
7. „ Hudulsung.	19. „ Morusnal.
8. „ Nimbal Boodrook.	20. „ Deginal.
9. „ Nimbal Khoord	21. „ Goonkee.
10. „ Kunnal.	22. „ Turgoondee.
11. „ Bomunhullee.	23. „ Kottnal.
12. „ Agusnal.	24. „ Kupnimburge

Pergunnah Hulsungee.

1. Kusba Hulsungee.
2. Moje Yelgee.
3. „ Turiwaree.
4. „ Arjnal.
5. „ Bhirungee.
6. „ Boodihal.
7. „ Keroor.
8. „ Chunegaon.
9. „ Anjotgee.
10. „ Dhoolkhur.
11. „ Purnoor.
12. „ Bewnoor.
13. „ Chorgee.
14. „ Munn-Ankulgee
15. Moje Mahnhullee.
16. „ Murgoor.
17. „ Chouryal.
18. „ Hingnee.
19. „ Burgoondee.
20. „ Ahersung.
21. „ Mailar.
22. „ Seergoor.
23. „ Anchee.
24. „ Mundral.
25. „ Seernal.
26. „ Lonee Khoord.
27. „ Bulolee.
28. „ Jhulkee.

Pergunnah Bagewaree.

1. Moje Moottgee.
2. „ Engleshwur.
3. „ Salwargee.
4. „ Heepurgee.
5. „ Dindwar.
6. „ Rubnal.
7. „ Deginal.
8. „ Tukulkee.
9. „ Oottnal.
10. „ Munoor.
11. „ Hullihal.
12. „ Kuribuntnal.
13. Moje Hoonshal.
14. „ Hoolbenchee.
15. „ Hunchinal.
16. „ Agusbal.
17. „ Ewungee.
18. „ Kamunkeree.
19. „ Boodihal.
20. „ Ooppuldinee.
21. „ Nursungee.
22. „ Nagoor.
23. „ Ambulnoor.
24. „ Sunknal.

Pergunnah Annigeree.

1. Kusba Annigeree.
2. Moje Hullikeree.
3. „ Saswihullee.
4. „ Kondikopp.
5. „ Bussapoor.
6. „ Bhudrapoor.
7. Moje Untoor.
8. „ Saidapoor.
9. „ Munjegood.
10. „ Kawulwar.
11. „ Hullihal.
12. „ Bemnoor.
13. „ Nagnoor.

Pergunnah Uthnee.

1. Kusba Uthnee.
2. Moje Azor or Yemmihal.
3. „ Siroor.
4. „ Nagnoor.
5. „ Jumbgee.
6. „ Sewnoor.
7. „ Mullabad.
8. „ Bewnoor.
9. Moje Yekunchee.
10. „ Burchee.
11. „ Koulgood.
12. „ Sinal.
13. „ Musurgoppee.
14. „ Hunmapoor.
15. „ Kirugeree.

Pergunnah Honwar.

1. Kusba Honwar.
2. Moje Kukmuree.
3. „ Bijjurgee.
4. „ Kotulgee.
5. „ Kohullee.
6. „ Yellihudulgee.
7. „ Bargee.
8. „ Aigullee.
9. Moje Uluginhal.
10. „ Babanuggur.
11. Thana Telsung.
12. Moje Urtal.
13. „ Bunnoor.
14. „ Kunnal.
15. „ Halhullee.
16. „ Kunmura.

Pergunnah Gureekokutnoor.

1. Kusba Gureekokutnoor.
2. Moje Suttee.
3. „ Dodwar.
4. Moje Junwar.
5. „ Bulwar.
6. „ Korganoor.

Pergunnah Gulgullee.

1. Kusba Gulgullee.
2. Moje Amuljhuree.
3. „ Koloor.
4. „ Yerhullee.
5. „ Rubkuvvee.
6. „ Gunnee.
7. „ Hunchinal Khoord.
8. Moje Hunchinal Boodrook.
9. „ Chowrapoor.
10. „ Boodnee.
11. „ Bulwulmottee.
12. „ Boodihal.
13. „ Goolbal.
14. „ Bisnal.
15. „ Mondugnoor.

Moje Hipurgee, pergunnah Jumkhundee.
„ Nipanee } Kuryat Latt.
„ Sergopee }
„ Belkhor, Kurryat Kubboor.
„ Mudunbhavee, Kurryat Naysurgee.
„ Seergaon (Dependent on the foot of Heeree Gundhurvghur).
„ Bhiwsee, Prant Kagul.
„ Deshoor, pergunnah Yelloor.

THE LAPSED STATE OF MANDVEE.

THE LAPSED STATE OF COLABA.

The Ghera of the Vishalgur Fort formerly belonging to the Pritinidhee of Vishalgur and comprising the following villages:—

1. Mouza Deode.
2. Do. Bhudkumbé.
3. Do. Wanjolee.
4. Do. Kochré.
5. Do. Veerowlee Boozoorg and Gowil.
6. Do. Kolé Wadee.
7. Do. Paloo.
8. Do. Salpé.
9. Do. Keirbet.
10. Do. Wadee Ranjun.
11. Wadee Udhistee.
12. Do. Chinchoortee.
13. Do. Wud.
14. Mouza Moorshee.
15. Do. Bhowde.
16. Wadee Tipownè.
27. Khor Ninks Prudha Wulla.
18. Wadee Oombrowne.
19. Do. Manchal.

Turf Sattara.

Turf Purlee.

Turf Wundun, with the exception of the village of Sungum Mahoolee belonging to the Punt Prithinidhee.

Turf Targaon, with the exception of the village Watar entered in the accounts as belonging to the Chief of Jumkhundee.

Turf Oomruj, with exception of the following two villages:—

1. Kortee, entered in the accounts as belonging to the Punt Prithinidhee.
2. Seerwude, entered in the accounts as belonging to the Chief of Jumkhundee.

Summut Nimb.

Turf Medhey.

Turf Kedumb.

Turf Baramoorey.

Turf Koodal.

Turf Ategaon.

Turf Bamnolee.

Turf Solsey.

Turf Tamb.

Kuryat Naneghole.

Turf Tarlay.

Kuryat Tulbeed.

Turf Havellee Kurad, with the exception of the following twelve villages:—

1. Sydapoor ...
2. Kapeel ...
3. Padlee ...
4. Belowdey Wurghat ...
5. Doosherey ...
6. Gondee ...
7. Ghonsllee ...
8. Kodolee ...
9. Veerwudey ...
10. Bichood ...
11. Munoo ...

} Entered in the accounts as belonging to the Punt Prithinidhee.

12. Retray Khoord Ditto to Sangleekur Putwurdhun.

Turf Murlee.
Turf Patun.
Turf Helwak.
Kuryat Kaseegaon.
Turf Koley.
Forts Sadasewgud, Wussuntgud, and Munchindrugud.
Turf Khuttao.
Turf Mullowdee.
Turf Duhigaon.
Turf Mhuswud.
Turf Lulgaon.
Forts of Muchimangud, Waroogud, and Wurdhungud.
Turf Dhurmpooree.
Kuryat Khanapoor.
Kuryat Mainee.
Kuryat Wangee.
Kuryat Viteh.
Kuryat Bhalownee.
Kuryat Nimsod.
Fort of Bhooshungud.
Purgunnah Kassegaon, Talooka Punderpoor.
Purgunnah Brumhupooree, Talooka Punderpoor.
Purgunnah Sangola.
Purgunnah Gherdee.
Purgunnah Nazréy.
Purgunnah Aklooj.
Purgunnah Velapoor.
Purgunnah Bhalownee, with the exception of the following five villages, entered in the accounts as belonging to the Chief of Akulkote:

1. Peeliv.
2. Shendé Chinch.
3. Shingornee.
4. Dhanorey.
5. Koosmadey.

Turf Havelee Waee.
Turf Jor Khorey.
Summut Koreygaon with the exception of the village of Kinhee belonging to the Punt Prithinidhee.
Summut Wagholee.
Purgunnah Molwad.

The parts of the following purgunnahs situated in the Collectorate of Sattara:—

Purgunnah Bejapoor.
Purgunnah Gotay.
Purgunnah Bullotee.
Purgunnah Sidhnath.
Purgunnah Mumdapoor.
Purgunnah Chimulgee.
Purgunnah Kolhar.
Purgunnah Honwad.
Purgunnah Bardole.
Purgunnah Shirala, with the exception of the village of Wategaon, entered in the accounts as belonging to Chief of Kooroondwad.
Purgunnah Atpadee, with the exception of the village Vitlapoor, entered in the accounts as belonging to the Punt Prithinidhee.
Purgunnah Mungulwedhey.
Purgunnah Shirwul, with the exception of the following villages, entered in the accounts as belonging to the Punt Sucheo:—

1. Shirwul.
2. Bowdé.
3. Kessoordee.
4. Pargaon.
5. Tondlé.
6. Sangvee.
7. Bhadé.
8. Rooee.
9. Yelké.
10. Kowté.
11. Bhadowde.

The parts of the following turfs, situated in the Collectorate of Sattara:—

Turf Sawurdey.

Turf Chiploon.

Turf Walwa, situated within the Sattara Territory, with the exception of the village Koondul, entered in the accounts as belonging to the Punt Prithinidhee.

Turf Waroon.

Turf Phultun, excepting the villages of Dalwuddee and Wakree, entered in the accounts as belonging to the Chief of Pultun.

Turf Velwund Khorey.

Turf Rohid Khorey, with the exception of the village Hatnoshee, entered in the accounts as belonging to the Punt Sucheo.

Turf Neerthudee, with the exception of the village Neerjey, entered in the accounts as belonging to the Punt Sucheo.

The parts of the following Kuryats situated within the Collectorate of Sattara:—

Kuryat Bajee.
Ditto Wudgaon.
Ditto Havelee Kolapoor.
Ditto Kodolee.
Ditto Satwa.

Kuryat Bhilowdee, with the exception of the following four villages:—

1. Nagraley.
2. Babwudey.
3. Ghogaon, and
4. Tooparee, entered in the accounts as belonging to the Chief of Sanglee.

Kuryat Sanglee.

Kuryat Doodgaon, with the exception of Bhud Kinbey, entered in the accounts as belonging to Sangleekur Putwurdhun.

Kuryat Ound, with the exception of the following eight villages:—

1. Ramapoor.
2. Viahapoor.
3. Soukeerey.
4. Pargaon.
5. Seerusgaon.
6. Chikulwahal.
7. Oound.

} Entered in the accounts as belonging to the Punt Prithinidhee.

8. Kurley. } Ditto as belonging to the Chief of Akulkote.

Kuryat Tasgaon.

Ditto Wissapoor, with the exception of the following four villages, entered in the accounts as belonging to the Chief of Sanglee :—

1. Altay.
2. Seergaon.
3. Nimb.
4. Audhullee.

Kuryat Anjvee.

Ditto Raibaug.

That part of Prant Panalla situated within the Collectorate of Sattara.

1.	Moujé Pehnoor.	5.	Moujé Akoombey.
2.	„ Bhend.	6.	„ Bembla.
3.	„ Bhutoombrey.	7.	„ Tambweh, and
4.	„ Yeotee.	8.	Kusba Kurcumb.
1.	Kusba Chimulgee.	8.	Moujé Akulwaree.
2.	Moujé Almuttee.	9.	„ Arsungee.
3.	„ Wundul.	10.	„ Benal.
4.	„ Beeruldeenee.	11.	„ Ungudgeeree.
5.	„ Boodnee.	12.	„ Hungurgee.
6.	„ Hoonshall.	13.	„ Oonce Bhawee, and
7.	„ Nagwar.	14.	„ Goodheence.

The following villages in Turf Moogul Khode :—

Moujé Goondewadee.	Moujé Palbhavee.
„ Dhuroor.	„ Kuppulgoodee.
„ Sidapoor.	„ Hulloor.
„ Koleejood.	„ Sivapoor.
„ Yeburhuttee.	„ Khan Naikinhuttee.
„ Harogeree.	„ Moodulgee.
„ Heedkul.	„ Moonal.
„ Moogul Khode.	

The following villages in Prant Meerij :—

1.	Moujé Sonee	Kuryat Muné.
2.	„ Bhose	Rajooree.
3.	„ Bisoor	Kuryat Sunglee.
4.	„ Koopwadé	
5.	„ Hurolee,	Kuryat Dessing.
6.	„ Yerundolee	Kuryat Bedug.
7.	„ Belowkee	
8.	„ Arwundé,	Kuryat Sawurdé.
9.	„ Wudgaon,	Kuryat Aujnee.
10.	„ Kulombee,	Kuryat Hawélee.
11.	„ Shedshal,	Kuryat Seerhuttee.
12.	„ Pandegaon,	Kuryat Kowté Mahankul.
13.	Kusba Tasgaon	Kuryat Tasgaon.
14.	Moujé Toorchee	
15.	„ Padlee	
16.	„ Bhellwaddy	
17.	„ Wusgudé,	Kuryat Kowté.
18.	„ Nimnee.	

The following villages in Prant Kagul :—

1. Moujé Anklee, Kuryat Manjree.
2. „ Boorlee, Kuryat Digruj.

The following villages in Prant Rayabag :—

1. Kusba Ainapoor, Kuryat Ainapoor.
2. Moujé Hutnolee, Kuryat Nanduré.

The following village in Prant Hookéree :—

1. Moujé Mungawuttee, Kuryat Joogul.

The following villages in Prant Beejapoor :—

1.	Moujé Sheerhuttee.	Kuryat Kokutnoor.
2.	„ Nagnoor.	
3.	„ Rutnapoor.	
4.	„ Sewdee.	
5.	„ Hullihal.	

The following village in Purgunnah Kokutnoor :—

1. Moujé Mhyswadgee.

Purgunnah Yadwar with the exception of the 3 following villages :—

1. Ourwad.	3. Chippulkuttee.
2. Kulleegoodee.	

Entered in the accounts as belonging to the Chief of Jumkhundee.

Kuryat Kinnee.

The following village in Turf Kannoor :—

1. Moujé Chick Tursee, Kuryat Kannoor.

The following village in Purgunnah Shahpoor :—

1. Ashte.

The following villages in Kuryat Sawurdé :—

1. Kusba Sawurdé.
2. Moujé Londe.

The following villages in Turf Phootgaum :—

1. Kusba Saoluj.	3. Moujé Kurowlee.
2. Moujé Dongursanee.	

The following village in Turf Tasgaum :—

1. Moujé Poonudee.

The following village in Prant Kurad :—

1. Moujé Yelawee.

The following village in Kuryat Oochgaon :—

1. Moujé Belgoondee.

The following village in Kuryat Kagtee :—

1. Moujé Kungralee Khoord.

The following village in Turf Samburay :—

1. Moujé Niljee.

The following village in purgunnah Azumnugur,

1. Khasbag.

The following isolated villages :—

1.	Kusba Shedbal.	5.	Moujé Moorgoondee.
2.	„ Joogul.	6.	„ Tavsee.
3.	Moujé Kagwad.	7.	„ Nandgaon.
4.	„ Oogur Boodrook.		

The following villages in purgunnah Luxmeshwar :—

1.	Moujé Kullus.	5.	Moujé Beejpoor.
2.	„ Soorngee.	6.	„ Kunkapoor.
3.	„ Konheegeree.	7.	„ Kondeekope.
4.	„ Wudwee.	8.	„ Konereecope.

The following villages in purgunnah Moolgoond :—

1.	Moujé Moolgoond.	9.	Moujé Yergoopee.
2.	„ Sherool.	10.	„ Narayenpoo.
3.	„ Kaboolayet Kuttee.	11.	„ Nagurhullee.
		12.	„ Muntoor.
4.	„ Hurthee.	13.	„ Keresoor.
5.	„ Chinchlee.	14.	„ Hebsoor.
6.	„ Kulloor.	15.	„ Kurlwad.
7.	„ Chuklubbee.	16.	„ Kooruttee.
8.	„ Heerenurtee.	17.	„ ChickNurtee.

The following village in Kuryat Ingulhullee :—

1. Moujé Ingulhullee.

The following villages in purgunnah Nurgoond :

1.	Moujé Nurgoond.	8.	Moujé Somapoor.
2.	„ Byrunhuttee.	9.	„ Boorlkuttee.
3.	„ Dundapoor.	10.	„ Seedapoor.
4.	„ Kurwinkope.	11.	„ Chick Nurgoond.
5.	„ Jugapoor.		
6.	„ Moujepeit.	12.	„ Kunkeekope.
7.	„ Urbaun.	13.	„ Halgope.

The following villages in purgunnah Nowlgoond :—

1. Moujé Kooregovunkope.	2. Moujé Hoonreekuttee.

The following villages in Kuryat Seerole :—

1.	Moujé Seerole.	4.	Moujé Kullus.
2.	„ Wudwuttee.	5.	„ Lingudhal.
3.	„ Ingulgoondee.	6.	„ Boodeehal.

The following villages in Turf Konnoor :—

1.	Moujé Konnoor.	8.	Moujé Idgull.
2.	„ Arleekuttee.	9.	„ Madhagee.
3.	„ Lukmapoor.	10.	„ Bennoor.
4.	„ Goonukope.	11.	„ Ujgoondee.
5.	„ Chick Molungee.	12.	„ Bennoor.
		13.	„ Tulukwad.
6.	„ Heera Tudsee.	14.	„ Hoteehollee.
7.	„ Wasseena.	15.	„ Lingudhal.

The following villages in purgunnah Badamee :—

1. Moujé Megoor.	2. Moujé Karamoodee.

The following village in Mahal Hoskerree :—

1. Khurlkope.

The isolated villages of Behuttee and Sungdal.

The district of North Canara with the exception of the Talooka of Cundapoor.

Parts of villages and lands ceded to the Government of Bombay for railway purposes.

Collectorate of Surat.

So much land in the villages of Kunsar, Oodhna, Vercha, Oon, and Sucheen, as was ceded by the Nawab of Sucheen.

Collectorate of Kaira.

So much land in the village of Khumbhalia as was ceded by His Highness the Guicowar.

SCHEDULE V.

ENACTMENTS REPEALED.

Part I.—Acts.

Number and year.	Subject or Title.	Extent of repeal.
II of 1835	Assam, Arracan and Tenasserim.	The whole.
VI of 1835	Cossyah Hills and Cachar.	The whole.
XXI of 1836	Creation of zilas, Bengal.	The whole.
X of 1838	Kumaon.	The whole.
VIII of 1839	Jagheer of Chinchnee.	The whole.
XXIV of 1839	An Act for the administration of justice and collection of the revenue in certain parts of the districts of Ganjam and Vizagapatam.	Sections one, three, four, five and six.
VI of 1842	An Act for annexing to the British Territory certain villages belonging to the late Nepanee Jagheer, and acquisitions by exchange from the Sattara State, and for bringing under the Regulations an Inam village of Purgunnah Yelloor.	The whole.
XI of 1846	An Act for the exemption of certain territory in the province of Candeish and the Zillah Ahmednuggur from the operation of the General Regulations.	All except the Schedule.
of 1848	An Act for annexing the lapsed State of Maudvee to the Presidency of Bombay.	The preamble, section one, section two down to and including the figures and word '1827, that,' section three and the schedule.
VIII of 1853	An Act for bringing the lapsed State of Colaba under the laws of the Presidency of Bombay.	The preamble and sections one and three.
XIII of 1853	An Act for bringing under the operation of the Regulations and Acts in force in the Presidency of Bombay certain territories subordinate to that Presidency.	The whole.
XVII of 1853	An Act to repeal Regulation VII of 1816, and to declare the law which is to be in force in the tract of land granted to Maharajah Imrit Rao.	The whole.
XX of 1854	An Act to amend Regulation XIII of 1833 of the Bengal Code.	The whole.

SCHEDULE V—*continued.*

Number and year.	TITLE.	Extent of repeal.
XXXVII of 1855.	An Act to remove from the operation of the General Laws and Regulations certain districts inhabited by Sonthals and others, and to place the same under the superintendence of an officer to be specially appointed for that purpose.	Section one, clause two, section three, section four, clause two, sections five and six.
XXIII of 1858.	An Act for bringing the district of Kurnool under the Laws of the Presidency of Fort St. George.	The whole.
XXXII of 1858.	An Act for bringing the Fort of Tanjore and the adjacent territory under the Laws of the Presidency of Fort St. George.	So much as has not been repealed.
XXII of 1860	An Act to remove certain tracts on the eastern border of the Chittagong district from the jurisdiction of the tribunals established under the General Regulations and Acts.	Sections two, three, six and seven.
XIV of 1861	An Act to remove certain tracts of country in the Rohilcund Division from the jurisdiction of the tribunals established under the General Regulations and Acts.	Sections two, three, six and seven.
XII of 1863	An Act to bring the Pergunnahs of Mahoba and Jeitpore, in the district of Humeerpore, under the operations of the General Regulations.	The whole.
I of 1864	An Act to bring the Jagheers of Poorwa and Khuddee, in the district of Banda, under the operation of the General Regulations.	The whole.
XIX of 1864	An Act to remove certain tracts of country in the district of Mirzapore from the jurisdiction of the local Courts.	Sections two, three and four.
XXIV of 1864.	An Act relating to the administration of certain districts under the Government of the Lieutenant Governor of the North-Western Provinces.	Section nine from and including the words 'and shall take effect' to the end of the section, sections ten, eleven, twelve, thirteen, fourteen and fifteen.
XIX of 1867	An Act to make further provision for the administration of justice in the district of Darjíling.	The whole.
IV of 1868	An Act to exempt certain villages in the Bombay Presidency from the operation of the Regulations and Acts in force in that Presidency.	The whole.
XXII of 1868	An Act to bring the Mauza Kheria, in the district of Agra, under the operation of the General Regulations.	The whole.

SCHEDULE V.—*continued.*

Part II.—Regulations.

A. BENGAL CODE.

Number and year.	TITLE.	Extent of repeal.
III of 1793	A Regulation for extending and defining the jurisdiction of the Courts of Dewanny Adawlut, or Courts of Judicature for the trial of Civil suits in the first instance, established in the several Zillahs, and in the cities of Patna, Dacca and Moorshedabad.	Sections two and four.
VII of 1795	A Regulation for establishing a Court of Dewanny Adawlut, or Court of Judicature for trying Civil suits, in the first instance, at the city of Benares and at Mirzapore, Ghazeepore, and Jaunpore in the Province of Benares, and for defining the jurisdiction and powers of those Courts.	The whole.
XVIII of 1795.	A Regulation for extending to the Province of Benares, Regulation XVIII, 1793, entitled "A Regulation for preserving complete the records of the Civil and Criminal Courts of Judicature, and requiring the Zillah and City Courts to transmit monthly reports of the suits decided by them to the Provincial Courts of Appeal; and directing the Provincial Courts of Appeal to submit monthly reports of the appeals and causes decided by them to the Sudder Dewanny Adawlut."	The whole.
XXX of 1795	A Regulation for extending to the Province of Benares, Regulation XXI, 1793, entitled "A Regulation for establishing in each Zillah an office for keeping the records in the native languages which relate to the public revenue, and prescribing rules for the conduct of the keepers of the records."	The whole.
XLVI of 1795.	A Regulation for extending to the Province of Benares Regulation XXXIII, 1793, entitled "A Regulation for re-enacting, with modifications, the Rules passed on the 11th February and 21st October 1791 for repairing the Embankments kept in Repair at the public expense; and for encouraging the digging of Tanks or Reservoirs and Water-courses, and making Embankments."	The whole.
XLVIII of 1795.	A Regulation for prohibiting Covenanted Civil Servants of the Company employed in the administration of justice, or the collection of the public revenue, in the Province of Benares, from lending money to talookdars, zemindars, putteedars, or other actual proprietors of land, or to farmers of land holding farms immediately of Government, or the under-farmers or ryots	The whole.

SCHEDULE V—*continued.*

Number and year.	TITLE.	Extent of repeal.
	of the several descriptions of proprietors and farmers, of land abovementioned or their respective sureties; and for prohibiting in the said province Europeans of any description holding possession of lands that may be mortgaged to them, or purchasing or renting lands for erecting houses or buildings for carrying on manufactures, or other purposes without the sanction of the Governor General in Council.	
VII of 1797	A Regulation for abolishing the office of Commissioner at Backergunge and establishing another Court of Dewanny Adawlut in the Districts at present comprized in the Zillah of Dacca Jelalpore; and for reserving to the Governor General in Council the power of increasing the Rates of the Duty on Stills, specified in section VI, Regulation XXXIV. 1793, in the Provinces of Bengal, Behar, Orissa and Benares.	The whole.
II of 1803	A Regulation for establishing and defining the jurisdiction of the Courts of Adawlut, or Courts of Judicature, for the trial of Civil suits in the first instance, in the Provinces ceded by the Nawab Vizier to the Hon'ble the English East India Company.	The whole.
V of 1803	A Regulation for empowering the Sudder Dewanny Adawlut to try appeals from the decisions of the Provincial Court of Appeal established in the Provinces ceded by the Nawab Vizier to the Hon'ble the English East India Company; and for extending the jurisdiction of the Sudder Dewanny Adawlut over the said provinces and all the Civil Courts established therein.	The whole, except sections twenty-four and twenty-six.
VIII of 1803	A Regulation for extending the jurisdiction of the Nizamut Adawlut to the Provinces ceded by the Nawab Vizier to the Hon'ble the English East India Company.	The whole.
XII of 1803	A Regulation for the appointment of the Ministerial Officers of the Civil and Criminal Courts of Judicature in the Provinces ceded by the Nawab Vizier to the Hon'ble the English East India Company.	The whole.
XIII of 1803	A Regulation for preserving complete the records of the Civil and Criminal Courts of Judicature, in the provinces ceded by the Nawab Vizier to the Hon'ble the English East India Company, and for requiring the Zillah Courts in the said provinces to	The whole.

SCHEDULE V.—*continued.*

Number and year.	TITLE.	Extent of repeal.
	transmit monthly reports of the suits decided by them to the Provincial Court of Appeal; and for requiring the Provincial Court of Appeal to submit monthly reports of the appeals and causes decided by them to the Sudder Dewanny Adawlut; and for enabling the Sudder Dewanny Adawlut to judge of the progress made by the Zillah and Provincial Courts, in the said provinces, in the determination of causes.	
XIX of 1803	A Regulation for prohibiting Covenanted Civil Servants of the Company employed in the administration of justice or the collection of the public revenue in the provinces ceded by the Nawab Vizier to the Hon'ble the English East India Company, from lending money to zemindars, independent talookdars, or other proprietors of land or dependent talookdars or farmers of land holding farms immediately of Government or the under-farmers or ryots of the several descriptions of proprietors and farmers of land above mentioned or their respective sureties; and for prohibiting Europeans, of any description, holding possession of lands that may be mortgaged to them, or purchasing or renting lands in the said Provinces for erecting houses or buildings for carrying on manufactures or other purposes, without the sanction of the Governor General in Council.	The whole.
XXIII of 1803.	A Regulation for establishing in each Zillah in the provinces ceded by the Nawab Vizier to the Hon'ble the English East India Company, an office for keeping the records in the Native languages which relate to the public revenue and prescribing rules for the conduct of the keepers of the records.	The whole.
XXV of 1803.	A Regulation prescribing rules for the conduct of the Board of Revenue and the Collectors, and for declaring the proprietary right in the lands, in the provinces ceded by the Nawab Vizier to the Hon'ble the English East India Company, to be vested in the zemindars and other land-holders under the terms and conditions of the settlement of the land revenue formed by the Hon'ble the late Lieutenant Governor and the Board of Commissioners, pursuant to the authority vested in them by His Excellency the Most Noble the Governor General.	The whole, except sections twenty-nine, thirty, thirty-one and thirty-two.

SCHEDULE V.—*continued.*

Number and year.	TITLE.	Extent of repeal.
XXXI of 1803.	A Regulation for trying the validity of the titles of persons holding, or claiming a right to hold, lands exempted from the payment of public revenue, under grants not being badshahee or royal grants, in the provinces ceded by the Nawab Vizier to the Hon'ble the English East India Company; for determining the amount of the annual assessment to be imposed on lands so held which may become subject to the payment of public revenue; and for forming a periodical register of all lands held exempt from the payment of public revenue under grants not being badshahee or royal.	The whole, except section two, clauses one, two, seven and eight, section three, clause one and section five.
IX of 1804	A Regulation for altering the denomination of the Court of Circuit and the Provincial Court of Appeal for the division of the ceded Provinces; for the administration of Justice in Criminal cases, in the conquered provinces in the Dooab and on the right bank of the river Jumna, and in the territory ceded to the Hon'ble the English East India Company in Bundlecund by the Peishwa.	The whole.
VIII of 1805	A Regulation for extending to the conquered provinces situated within the Dooab and on the right bank of the river Jumna, and to the territory ceded to the Hon'ble the English East India Company in Bundlecund by the Peishwa, such of the Laws and Regulations established for the internal government of the Provinces ceded by the Nawab Vizier to the Hon'ble the English East India Company as have not been already extended to those territories and for revising and amending certain parts of the said Laws and Regulations.	The whole, except sections eighteen and twenty-four.
XIII of 1805	A Regulation for the maintenance of the peace and for the support and administration of the Police in the Zillah of Cuttack, and for amending certain provisions contained in Regulation IV. 1804.	Sections two, three and four.
XIV of 1805	A Regulation for the administration of Justice in Civil cases in the Zillah of Cuttack.	The whole.
VII of 1806	A Regulation for re-establishing a Court of Civil Judicature in the vicinity of Calcutta, and for defining its jurisdiction.	The whole.
XII of 1806	A Regulation for annexing the Pergunnahs of Sonk, Sonsa, and Sahar, situated on the right bank of the river Jumna, to the jurisdiction of the zillah of Agra, and for extending to those Pergunnahs the Laws and Regulations established for the internal government of the ceded and conquered Provinces.	The whole.
XIV of 1806	A Regulation for abolishing the Court of Dewanny Adawlut of the zillah of the Northern Division of Saharunpore; and for incorporating the jurisdiction of that Court with the Civil jurisdiction of the Court established in the Southern Division of Saharunpore.	The whole.
XVII of 1806.	A Regulation for extending to the Province of Benares the rates of interest on future loans, and provisions relative thereto, contained in Regulation XV. 1793; also for a general extension of the period fixed by Regulations I. 1798, and XXXIV. 1803, for the redemption of mortgages and conditional sales of land, under Deeds of Bye-bil-wuffa, Kut-cubaleh, or other similar designation.	The whole, except sections one, seven and eight.
XV of 1812	A Regulation for extending to the ceded and conquered Provinces, and to the Province of Benares, certain parts of Regulation I. 1811, and for rescinding Regulation II. 1810.	The whole.
XXII of 1812	A Regulation for exempting certain territories and Jaghires situated on the borders of the Zillah of Bundlecund from the operation of the general Regulations, and for annexing to that Zillah certain lands formerly composing a part of the Jaghire of the Killadar of Calenger.	Sections three and four.
VII of 1816	A Regulation for defining the tenure on which certain lands at present included within the limits of the territories of the British Government, and subject to its general Laws and Regulations, are to be held as an independent jageer by His Highness Amrut Rao.	The whole.
XVIII of 1816.	A Regulation for annexing to the Zillah of Allahabad the Pergunnah of Handya, formerly composing a part of the territories of His Excellency the Nuwaub Vizier.	The whole.
II of 1818	A Regulation for annexing to the Zillah of Bundlecund the Elakeh of Khundeh appertaining to the Pergunnah of Mahoba, together with certain villages belonging to the Pergunnah of Choorkee on the right bank of the Jumna, formerly composing a part of the territories of Nana Govind Rao.	The whole.

SCHEDULE V.—*continued.*

Number and year.	TITLE.	Extent of repeal.
IV of 1818	A Regulation for re-establishing the Dewanny Adawlut of the Northern Division of Scharunpore.	The whole.
V of 1824	A Regulation for extending the operation of Regulation VI. 1823 to the Provinces of Orissa, Behar and Benares, and to the ceded and conquered Provinces.	The whole.
XVIII of 1825.	A Regulation for annexing the Settlement of Chinsurah, and other Territories ceded to the British Government by the Government of the Netherlands, to the Zillah and City jurisdictions most contiguous thereto, and to provide for the administration of the said Territories.	The whole.
XXI of 1825	A Regulation for annexing to the jurisdiction of the Commissioner of Kumaon the tract of country called the Dehra Doon, and also the Pergunnah of Chandnee, heretofore forming part of the Districts of Scharunpore and Moradabad.	The whole.
V of 1826	A Regulation for annexing to the Zillah of Agra the Pergunnah of Goberdhun.	The whole.
VI of 1826	A Regulation for constituting the jurisdiction of the Joint Magistrate, stationed at Futtehpore, a distinct Zillah.	The whole
V of 1829	A Regulation for rescinding part of Regulation X. 1817, and parts of Regulation XXI. 1825.	The whole.
VI of 1831	A Regulation for the appointment of one or more Judges, to be ordinarily stationed at Allahabad, for the purpose of exercising the powers and authority of the Sudder Dewanny and Nizamut Adawlut, within the Province of Benares, the ceded and conquered Provinces, including the Districts of Meerut, Saharunpore, Moozuffernuggur and Boolundshuhur, which are now subject to the Chief Commissioner at Delhi, and the powers and authority of the Nizamut Adawlut in the Province of Kumaon and the Saugor and Nerbudda Territories.	The whole, except sections five and six.
X of 1831	A Regulation for vesting in a deputation from the Sudder Board of Revenue, to be ordinarily stationed at Allahabad, the exclusive control over the revenue affairs of the Province of Benares, the ceded and conquered Provinces, including the Districts of Meerut, Saharunpore, Moozuffernuggur and Boolundshuhur, which are now subject to the Chief Commissioner at Delhi, the Province of Kumaon and the Saugor and Nerbudda Territories.	The whole.
V of 1832	A Regulation for annexing the Delhi territory to the jurisdiction of the Courts of Sudder Dewanny and Nizamut Adawlut, and the Sudder Board of Revenue at Allahabad.	The whole.
VIII of 1832	A Regulation for rescinding Regulation XIV. 1814.	The whole.
I of 1833	A Regulation for vesting in the Sudder Board of Revenue at Allahabad the superintendence of the Customs and Town Duties in the territories to which the revenue jurisdiction of that Board extends.	The whole.
V of 1833	A Regulation for forming the jurisdiction of the City of Dacca and the Zillah of Dacca, Jelalpore into one District.	The whole.
XIII of 1833	A Regulation for abolishing the Courts of Dewanny Adawlut of the Zillahs of Ramghur and Jungle Mehals, and for providing special rules for the superintendence of certain tracts of country at present included in the Zillahs of Ramghur, Jungle Mehals and Midnapore.	The whole, except section three, leaving out the words "except as hereinafter provided" in the ninth line of that section.
	B. BOMBAY CODE.	
II of 1827	A Regulation for defining the constitution of Courts of Civil Justice, and the powers and duties of the Judges and officers thereof.	Section one, section sixteen, clause two and appendix E.
XIII of 1827	A Regulation for defining the constitution of Courts of Criminal Justice, and the functions and proceedings thereof.	Section two.
XXIX of 1827	A Regulation for bringing under the operation of the Regulations the Bombay territories in the Deccan and Khandesh.	Section two and appendix A.
VII of 1830	A Regulation for bringing under the operation of the Regulations the Territories comprised in the Southern Mahratta country, belonging to the Hon'ble Company, and forming the said territories into a Zillah.	The whole, except section five.
X of 1830	A Regulation for bringing under the operation of the Regulations certain villages in the Collectorship of Khandesh.	The whole.
XIV of 1830	A Regulation for bringing under the operation of the Regulations such portion of the Bombay territory on the Mahabuleshwur Hills as has been ceded to the Hon'ble Company by His Highness the Rajah of Sattara.	The whole.

SCHEDULE V.—*concluded.*

Number and year.	TITLE.	Extent of repeal.
II of 1834	A Regulation for bringing under the operation of the Regulations certain villages which have been ceded to the Hon'ble Company by Angria Sirkeil in exchange for other villages.	The whole.
III of 1863	An Act for bringing under the Regulations and Acts of the Presidency of Bombay the Territories of Sattara, certain villages and lapsed states in the Collectorate of Sholapoor and in the Southern Maratha Country, certain lands ceded to the Government of Bombay for Railway purposes, and the District of North Canara, with the exception of the Talooka Cundapoor, and for excluding the village of Moochundee, Pergunnah Jutt, from the operation of the Regulations and Acts of the Presidency of Bombay.	The whole, except sections three and four.

STATEMENT OF OBJECTS AND REASONS.

It has lately come to notice that the general Regulations are not in operation in the Dehra Doon.

By Regulation IV of 1817, the tract of country called Dehra Doon was annexed to the Saháranpur district and thus became subject to the operation of the general Regulations and the jurisdiction of the ordinary Courts of justice. Subsequently, under the provisions of Regulation XXI of 1825, this tract was transferred to, and incorporated with, the province of Kumáon, and the effect of this transfer was to remove the said tract from the operation of the general Regulations and to subject it to the special laws and rules under which the administration of that province was conducted.

After the passing of Regulation V of 1829 the Doon became again separated from Kumáon, but nothing was done to counteract the effect of those provisions of the former Regulation which barred the operation of the general Regulations within that district.

The immediate object of the present Bill is to repair that omission; at the same time it is thought desirable to take advantage of the opportunity afforded by the need for legislation in this direction, to consolidate the existing law; and to remove doubts, wherever they exist, as to the local extent of the general Regulations and the local jurisdiction of the High Courts and chief controlling Revenue Authorities.

F. R. COCKERELL.

The 11th March 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 1st April 1870, and was referred to a Select Committee with instructions to make their report thereon in a week:—

No. 11 OF 1870.

A Bill for the further amendment of Act No. XIX of 1861.

Preamble. FOR the purpose of further amending Act No. XIX of 1861 (*to provide for a Government Paper Currency*); It is hereby enacted as follows:—

Amendment of Act No. XIX of 1861, section 4. 1. In section four of the said Act, the words 'who may be the Master of the Mint at Calcutta' and the words 'who may be the Master of the Mint at Madras and the Master of the Mint at Bombay' shall be repealed.

Amendment of section 10. 2. Section ten of the said Act shall be read as if, for the words 'four crores,' the words 'six crores' were substituted.

STATEMENT OF OBJECTS AND REASONS.

This Bill has two objects: first, to remove all doubt as to the power of the Government to appoint persons other than Mint Masters, to the offices of Head Commissioner and Commissioner of the Department of Issue; and, secondly, to increase, from four to six crores, the amount to be fixed, under the Paper Currency Act, as the minimum limit of circulation.

R. TEMPLE.

The 20th March 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, JUNE 25, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 21st June 1870, and was referred to a Select Committee with instructions to make their report thereon in one month:—

No. 11 OF 1870.

A Bill to relieve from Incumbrances the Estates of Taluqdárs in Oudh.

Preamble. WHEREAS many of the taluqdárs of Oudh are in debt, and their immoveable property is subject to mortgages, charges and liens; and whereas it is expedient to provide for their relief in manner hereinafter appearing; It is hereby enacted as follows:—

I.—Preliminary.

Short title. 1. This Act may be called "The Oudh Taluqdárs' Relief Act."

Commencement. And it shall come into force on the first day of August 1870.

2. In this Act—

Interpretation clause. 'Chief Commissioner' means the Chief Commissioner of Oudh:

'Financial Commissioner' means the Financial Commissioner of Oudh:

'taluqdár' means a person whose name is entered in the first of the lists mentioned in the Oudh Estates' Act, 1869, section eight: and

'heir' means the person for the time being entitled under the same Act as heir to a taluqdár.

II.—Vesting order.

Power to vest management of taluqdár's property in an officer appointed by Chief Commissioner. 3. Whenever any taluqdár applies in writing to the Chief Commissioner, stating that the applicant is subject to, or that his immoveable property is charged with, debts or liabilities other than debts due or liabilities incurred to Government, and requesting that the provisions of this Act be applied to his case,

the Chief Commissioner may, with the previous consent of the Governor General of India in Council, by order published in the local official *Gazette*, appoint an officer (hereinafter called the Manager) and vest in him the management of the immoveable property, of or to which the taluqdár is then possessed or entitled in his own right, or which may be acquired by or devolve on the taluqdár or his heir during the continuance of such management.

Effect of order. 4. On such publication the following consequences shall ensue:—

Bar of suits against taluqdár. *First*, all proceedings in respect to such debts or liabilities which may then be pending in any Civil Court in British India, shall be barred; and all processes, executions and attachments for or in respect of such debts and liabilities shall become null and void;

Taluqdár freed from arrest, *Secondly*, so long as such management continues, the taluqdár and his heir shall not be liable to arrest,

and his property from attachment. nor shall their property, whether moveable, or immoveable, be liable to attachment or sale under process of any Civil Court in British India,

for or in respect of the debts and liabilities to which the taluqdár was immediately before the said publication subject, or with which his immoveable property or any part thereof was then charged, other than debts due or liabilities incurred to Government; and

Thirdly, so long as such management continues, the taluqdár and his heir shall be incompetent to mortgage, charge, lease or alienate their immoveable property or any part thereof, or to grant valid receipts for the rents and profits arising or accruing from such property.

Cessation of his power to alienate.

III.—Duties of Manager.

5. The Manager shall, during his management of the said property, receive and recover all rents and profits due in respect thereof; and shall upon receipt of such rents and profits give receipts for the same.

Manager to receive rents and profits,

From the sums so received, he shall pay

(a) the Government revenue, and all debts or liabilities for the time being due or incurred to Government in respect of the said property or any part thereof:

and pay therefrom the Government demand,

(b) such annual sum as appears to the Chief Commissioner requisite for the maintenance of the taluqdár, his heir and their families:

and an annual sum for support of the taluqdár and his family,

(c) the costs of such repairs and improvements of the property as appear necessary to the Manager and are approved by the Chief Commissioner;

and costs of repairs and improvements,

and the residue shall be applied in discharge of the costs of the management, and in settlement of such debts and liabilities of the taluqdár and his heir and their immoveable property as may be established under the provisions hereinafter contained.

and costs of management, and shall settle the debts and liabilities.

IV.—Settlement of Debts.

6. On assuming the management of the said property, the Manager shall publish in the local official *Gazette* a notice in English and Urdu, calling upon all persons having claims against the taluqdár or his immoveable property or any part thereof, to notify the same in writing to such Manager within three months from the date of the publication.

Notice to claimants against taluqdár.

He shall also cause copies of such notice to be exhibited at the Tahsíldár's kachahrís in the District or Districts in which the said property lies and at such other places as the Manager thinks fit.

Copies of notice to be exhibited.

7. Every such claimant shall, along with his claim, present full particulars thereof.

Claim to contain full particulars.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the Manager along with the claim.

Documents to be given up.

If the document be an entry in any book, the claimant shall produce the book to the Manager, together with a copy of the entry on which he relies. The Manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

Entries in books.

Any document in the possession or under the control of the claimant, which was not delivered or produced by him to the Manager along with the claim, shall not, without the Manager's sanction, be received in evidence on the claimant's behalf at the investigation of the case.

Exclusion of documents not produced.

8. Every debt or liability (other than debts due or liabilities incurred to Government) to which the taluqdár is subject, or with which his immoveable property or any part thereof is charged and which is not duly notified to the Manager within the time and in manner herein-before mentioned, shall be for ever barred:

Debt or liability not duly notified, to be barred.

Provided that, when proof is made to the Manager that the claimant was unable to comply with the provisions of sections six and seven, the Manager may admit such claim within the further period of nine months from the expiration of the said period of three months.

Provision for admission of claim within further period of nine months.

9. The Manager shall, in accordance with the rules to be made under this Act, determine the amount of the debts and liabilities due to the several creditors of the taluqdár and persons holding mortgages, charges or liens on the said property or any part thereof.

Determination of debts and liabilities.

An appeal against such determination shall lie, if preferred within six weeks from the date of such determination, to the Commissioner of Division to whom the Manager is subordinate, and the decision of such Commissioner, or of the Manager, if no such appeal shall have been so preferred, shall be final.

Appeal.

10. When the total amount of such debts and liabilities has been finally determined, the Manager shall prepare and submit to the Chief Commissioner, through the Financial Commissioner, a schedule of such debts and liabilities, and a scheme for the settlement thereof, and such scheme, when approved by the Chief Commissioner, shall be carried into effect.

Scheme for settlement of debts and liabilities.

11. When all such debts and liabilities shall have been discharged, the taluqdár or his heir shall be restored to the possession and enjoyment of his immoveable property, or of such part thereof as shall not have been sold by the

Restoration of taluqdár to his property.

Manager under the power contained in section eighteen, but subject to the existing leases and mortgages (if any) granted and made by the Manager under the powers hereinafter contained.

V.—Powers of Manager.

12. The Manager may from time to time call for further and better particulars of any claim preferred before him under this Act, and may at his discretion refuse to proceed with the investigation of the claim until such particulars are supplied.

Power to call for further particulars.

13. For the purposes of this Act, the Manager may summon and enforce the attendance of witnesses and compel the production of documents by the same means, and, as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of the Civil Procedure.

Power to summon witnesses and compel production of documents.

14. The Manager may administer an oath in such form as he thinks fit to any person examined before him touching the matters to be enquired into under this Act.

Power to administer oaths.

15. Every investigation conducted by the Manager with reference to any claim preferred before him under this Act, or to any matter connected with any such claim, shall be taken to be a judicial proceeding within the meaning of the Indian Penal Code.

Investigation to be deemed a judicial proceeding.

And every statement made by any person examined by or before the Manager with reference to such investigation, whether upon oath or otherwise, shall be taken to be evidence within the meaning of the same Code.

Statements of persons examined, to be evidence.

16. The Manager shall have, for the purpose of realizing and recovering the rents and profits of the said immoveable property, the same powers as a Collector possesses for the recovery of land-revenue due to Government.

Manager to have powers of a Collector.

And on assuming the management of the said property, he shall have power to remove from possession of such property, or any part thereof, any mortgagee who may then be in possession of the same, but without prejudice to such mortgagee preferring his claim under the provisions hereinbefore contained.

Power to remove mortgagee in possession.

17. The Manager shall have power to demise all or any part of the said property, for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of any fine or fines, or without fine, and subject to such conditions, rents, and agreements as he shall think fit.

Power to lease.

18. The Manager, with the previous assent of the Chief Commissioner, shall have power from time to time to raise any money which may be required for the settlement of the debts and liabilities (other than as aforesaid) to which the taluqdár is subject, or with which his immoveable property or any part thereof is charged,

Power to raise money by mortgage or sale.

by demising by way of mortgage the whole or any part of such property for a term not exceeding twenty years from the said publication,

or by selling, with the previous consent of the taluqdár and of the person (being of full age) who would be his heir if he died intestate, by public auction or by private contract, and upon such terms as the Manager shall think fit, such outlying portion of the same property as may appear expedient.

And no mortgagee advancing money upon any mortgage made under this section, shall be bound to see that such money is wanted or that no more than is wanted is raised.

And the receipt of the Manager for any monies paid to him upon any mortgage or sale made under this section, or for any rents or profits received by him under section five, shall discharge the person paying such monies, rents, or profits therefrom and from being concerned to see to the application thereof.

Manager's receipts.

VI.—Miscellaneous.

19. With the previous sanction of the Governor General of India in Council, the Chief Commissioner may from time to time make rules consistent with this Act for the guidance of Managers in all matters connected with its enforcement.

Power to make rules.

20. Whenever the Chief Commissioner thinks fit, he may appoint any officer to be a Manager in the stead of any Manager appointed under this Act; and thereupon the management then vested under this Act in the former Manager shall become vested in the new Manager; and every such new Manager shall have the same powers as if he had been originally appointed.

Power to appoint new Managers.

21. Nothing in this Act shall preclude the Courts of the Province of Oudh having jurisdiction in suits relating to the succession to any immoveable property brought under the operation of this Act, or to rights of persons claiming maintenance from such property, from entertaining and disposing of such suits:

Saving of jurisdiction of Courts in Oudh in respect of certain suits.

But to all such suits the Manager of the property shall be made a party.

STATEMENT OF OBJECTS AND REASONS.

Many of the Oudh taluqdárs are so deeply in debt and their estates are subject to incumbrances so heavy that they cannot perform their proper functions as landholders, and, in the absence of relief such as the present Bill proposes to give, those estates will probably, sooner or later, become the property of money-lenders. This, for political reasons, is deemed inexpedient, and the present Bill accordingly proposes to empower the Chief Commissioner, on the application of any embarrassed taluqdár, to vest the management of his estate in a Government officer. Suits against the taluqdár will thereupon be barred, his person will be freed

from arrest, and his immoveable property from attachment, and, during the continuance of the management, his right to encumber or alienate will cease. The Manager will receive the rents and profits, and pay thereout the Government revenue, such annual sum as may be necessary to maintain the taluqdár and his family, and the costs of necessary repairs and improvements. The residue will be applied in defraying the costs of management, and in settling the taluqdár's debts and liabilities.

Provision is then made in sections 6—10 for ascertaining those debts and liabilities, and, on their discharge, the taluqdár (section eleven) will be restored to the possession of his estate.

Sections 12—18 confer the necessary powers on the Manager. The Bill then authorises the Chief Commissioner to prescribe supplementary rules for his guidance, and to appoint a new Manager, and, lastly, the jurisdiction of the local courts is saved as to certain suits relating to property under the operation of the proposed Act.

An Act with a similar object was passed in 1862 by the Bombay Legislature, and has been worked with much success. Of 469 estates which have come under its operation, about one-half have already been restored to the owners free from all encumbrances. It is anticipated that the same measure of success will attend the present Bill, which is brought forward on the recommendation of the Chief Commissioner, and at the request of the taluqdárs themselves.

J. STRACHEY.

The 3rd February 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 21st June 1870, and was referred to a Select Committee with instructions to make their report thereon in one month :—

No. 11 OF 1870.

A Bill to relieve from Incumbrances the Estates of Taluqdárs in Oudh.

WHEREAS many of the taluqdárs of Oudh are in debt, and their immoveable property is subject to mortgages, charges and liens; and whereas it is expedient to provide for their relief in manner hereinafter appearing; It is hereby enacted as follows :—

Preamble.

I.—Preliminary.

Short title. 1. This Act may be called "The Oudh Taluqdárs' Relief Act."

Commencement. And it shall come into force on the first day of August 1870.

2. In this Act—

Interpretation clause. 'Chief Commissioner' means the Chief Commissioner of Oudh:

'Financial Commissioner' means the Financial Commissioner of Oudh;

'taluqdár' means a person whose name is entered in the first of the lists mentioned in the Oudh Estates' Act, 1869, section eight; and

'heir' means the person for the time being entitled under the same Act as heir to a taluqdár.

II.—Vesting Order.

Power to vest management of taluqdár's property in an officer appointed by Chief Commissioner. 3. Whenever any taluqdár applies in writing to the Chief Commissioner, stating that the applicant is subject to, or that his immoveable property is charged with, debts or liabilities other than debts due or liabilities incurred to Government, and requesting that the provisions of this Act be applied to his case,

the Chief Commissioner may, with the previous consent of the Governor General of India in Council, by order published in the local official *Gazette*, appoint an officer (hereinafter called the Manager) and vest in him the management of the immoveable property, of or to which the taluqdár is then possessed or entitled in his own right, or which may be acquired by or devolve on the taluqdár or his heir during the continuance of such management.

Effect of order. 4. On such publication the following consequences shall ensue :—

Bar of suits against taluqdár. *First*, all proceedings in respect to such debts or liabilities which may then be pending in any Civil Court in British India, shall be barred; and all processes, executions and attachments for or in respect of such debts and liabilities shall become null and void;

Taluqdár freed from arrest, *Secondly*, so long as such management continues, the taluqdár and his heir shall not be liable to arrest,

and his property from attachment. nor shall their property, whether moveable, or immoveable, be liable to attachment or sale under process of any Civil Court in British India,

The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, JULY 2, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

for or in respect of the debts and liabilities to which the taluqdár was immediately before the said publication subject, or with which his immoveable property or any part thereof was then charged, other than debts due or liabilities incurred to Government; and

Thirdly, so long as such management continues, the taluqdár and his heir shall be incompetent to mortgage, charge, lease or alienate their immoveable property or any part thereof, or to grant valid receipts for the rents and profits arising or accruing from such property.

Cessation of his power to alienate.

III.—Duties of Manager.

5. The Manager shall, during his management of the said property, receive and recover all rents and profits due in respect thereof; and shall upon receipt of such rents and profits give receipts for the same.

Manager to receive rents and profits,

From the sums so received, he shall pay

(a) the Government revenue, and all debts or liabilities for the time being due or incurred to Government in respect of the said property or any part thereof:

and pay therefrom the Government demand,

(b) such annual sum as appears to the Chief Commissioner requisite for the maintenance of the taluqdár, his heir and their families:

and an annual sum for support of the taluqdár and his family,

(c) the costs of such repairs and improvements of the property as appear necessary to the Manager and are approved by the Chief Commissioner;

and costs of repairs and improvements,

and the residue shall be applied in discharge of the costs of the management, and in settlement of such debts and liabilities of the taluqdár and his heir and their immoveable property as may be established under the provisions hereinafter contained.

and costs of management, and shall settle the debts and liabilities.

IV.—Settlement of Debts.

6. On assuming the management of the said property, the Manager shall publish in the local official *Gazette* a notice in English and Urdu, calling upon all persons having claims against the taluqdár or his immoveable property or any part thereof, to notify the same in writing to such Manager within three months from the date of the publication.

Notice to claimants against taluqdár.

He shall also cause copies of such notice to be exhibited at the Tahsíldár's kachahrís in the District or Districts in which the said property lies and at such other places as the Manager thinks fit.

Copies of notice to be exhibited.

7. Every such claimant shall, along with his claim, present full particulars thereof.

Claim to contain full particulars.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the Manager along with the claim.

Documents to be given up.

If the document be an entry in any book, the claimant shall produce the book to the Manager, together with a copy of the entry on which he relies. The Manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

Entries in books.

Any document in the possession or under the control of the claimant, which was not delivered or produced by him to the Manager along with the claim, shall not, without the Manager's sanction, be received in evidence on the claimant's behalf at the investigation of the case.

Exclusion of documents not produced.

8. Every debt or liability (other than debts due or liabilities incurred to Government) to which the taluqdár is subject, or with which his immoveable property or any part thereof is charged and which is not duly notified to the Manager within the time and in manner herein-before mentioned, shall be for ever barred:

Debt or liability not duly notified, to be barred.

Provided that, when proof is made to the Manager that the claimant was unable to comply with the provisions of sections six and seven, the Manager may admit such claim within the further period of nine months from the expiration of the said period of three months.

Provision for admission of claim within further period of nine months.

9. The Manager shall, in accordance with the rules to be made under this Act, determine the amount of the debts and liabilities due to the several creditors of the taluqdár and persons holding mortgages, charges or liens on the said property or any part thereof.

Determination of debts and liabilities.

An appeal against such determination shall lie, if preferred within six weeks from the date of such determination, to the Commissioner of Division to whom the Manager is subordinate, and the decision of such Commissioner, or of the Manager, if no such appeal shall have been so preferred, shall be final.

Appeal.

10. When the total amount of such debts and liabilities has been finally determined, the Manager shall prepare and submit to the Chief Commissioner, through the Financial Commissioner, a schedule of such debts and liabilities, and a scheme for the settlement thereof, and such scheme, when approved by the Chief Commissioner, shall be carried into effect.

Scheme for settlement of debts and liabilities.

11. When all such debts and liabilities shall have been discharged, the taluqdár or his heir shall be restored to the possession and enjoyment of his immoveable property, or of such part thereof as shall not have been sold by the

Restoration of taluqdár to his property.

Manager under the power contained in section eighteen, but subject to the existing leases and mortgages (if any) granted and made by the Manager under the powers hereinafter contained.

V.—Powers of Manager.

12. The Manager may from time to time call for further and better particulars of any claim preferred before him under this Act, and may at his discretion refuse to proceed with the investigation of the claim until such particulars are supplied.

Power to call for further particulars.

13. For the purposes of this Act, the Manager may summon and enforce the attendance of witnesses and compel the production of documents by the same means, and, as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of the Civil Procedure.

Power to summon witnesses and compel production of documents.

14. The Manager may administer an oath in such form as he thinks fit to any person examined before him touching the matters to be enquired into under this Act.

Power to administer oaths.

15. Every investigation conducted by the Manager with reference to any claim preferred before him under this Act, or to any matter connected with any such claim, shall be taken to be a judicial proceeding within the meaning of the Indian Penal Code.

Investigation to be deemed a judicial proceeding.

And every statement made by any person examined by or before the Manager with reference to such investigation, whether upon oath or otherwise, shall be taken to be evidence within the meaning of the same Code.

Statements of persons examined, to be evidence.

16. The Manager shall have, for the purpose of realizing and recovering the rents and profits of the said immoveable property, the same powers as a Collector possesses for the recovery of land-revenue due to Government.

Manager to have powers of a Collector.

And on assuming the management of the said property, he shall have power to remove from possession of such property, or any part thereof, any mortgagee who may then be in possession of the same, but without prejudice to such mortgagee preferring his claim under the provisions hereinbefore contained.

Power to remove mortgagee in possession.

17. The Manager shall have power from time to time to demise all or any part of the said property, for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of any fine or fines, or without fine, and subject to such conditions, rents, and agreements as he shall think fit.

Power to lease.

18. The Manager, with the previous assent of the Chief Commissioner, shall have power from time to time to raise any money which may be required for the settlement of the debts and liabilities (other than as aforesaid) to which the taluqdár is subject, or with which his immoveable property or any part thereof is charged,

Power to raise money by mortgage or sale.

by demising by way of mortgage the whole or any part of such property for a term not exceeding twenty years from the said publication,

or by selling, with the previous consent of the taluqdár and of the person (being of full age) who would be his heir if he died intestate, by public auction or by private contract, and upon such terms as the Manager shall think fit, such outlying portion of the same property as may appear expedient:

And no mortgagee advancing money upon any mortgage made under this section, shall be bound to see that such money is wanted or that no more than is wanted is raised:

And the receipt of the Manager for any monies paid to him upon any mortgage or sale made under this section, or for any rents or profits received by him under section five, shall discharge the person paying such monies, rents, or profits therefrom and from being concerned to see to the application thereof.

Manager's receipts.

VI.—Miscellaneous.

19. With the previous sanction of the Governor General of India in Council, the Chief Commissioner may from time to time make rules consistent with this Act for the guidance of Managers in all matters connected with its enforcement.

Power to make rules.

20. Whenever the Chief Commissioner thinks fit, he may appoint any officer to be a Manager in the stead of any Manager appointed under this Act; and thereupon the management then vested under this Act in the former Manager shall become vested in the new Manager; and every such new Manager shall have the same powers as if he had been originally appointed.

Power to appoint new Managers.

21. Nothing in this Act shall preclude the Courts of the Province of Oudh having jurisdiction in suits relating to the succession to any immoveable property brought under the operation of this Act, or to rights of persons claiming maintenance from such property, from entertaining and disposing of such suits:

Saving of jurisdiction of Courts in Oudh in respect of certain suits.

But to all such suits the Manager of the property shall be made a party.

STATEMENT OF OBJECTS AND REASONS.

Many of the Oudh taluqdárs are so deeply in debt and their estates are subject to incumbrances so heavy that they cannot perform their proper functions as landholders, and, in the absence of relief such as the present Bill proposes to give, those estates will probably, sooner or later, become the property of money-lenders. This, for political reasons, is deemed inexpedient, and the present Bill accordingly proposes to empower the Chief Commissioner, on the application of any embarrassed taluqdár, to vest the management of his estate in a Government officer. Suits against the taluqdár will thereupon be barred, his person will be freed

from arrest, and his immoveable property from attachment, and, during the continuance of the management, his right to encumber or alienate will cease. The Manager will receive the rents and profits, and pay thereout the Government revenue, such annual sum as may be necessary to maintain the taluqdár and his family, and the costs of necessary repairs and improvements. The residue will be applied in defraying the costs of management, and in settling the taluqdár's debts and liabilities.

Provision is then made in sections 6—10 for ascertaining those debts and liabilities, and, on their discharge, the taluqdár (section eleven) will be restored to the possession of his estate.

Sections 12—18 confer the necessary powers on the Manager. The Bill then authorises the Chief Commissioner to prescribe supplementary rules for his guidance, and to appoint a new Manager, and, lastly, the jurisdiction of the local courts is saved as to certain suits relating to property under the operation of the proposed Act.

An Act with a similar object was passed in 1862 by the Bombay Legislature, and has been worked with much success. Of 469 estates which have come under its operation, about one-half have already been restored to the owners free from all encumbrances. It is anticipated that the same measure of success will attend the present Bill, which is brought forward on the recommendation of the Chief Commissioner, and at the request of the taluqdárs themselves.

J. STRACHEY.

The 3rd February 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 28th June 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 12 OF 1870.

A Bill to consolidate and amend the law relating to District Munsifs in the Presidency of Fort Saint George.

WHEREAS it is expedient to consolidate the laws relating to District Munsifs in the Presidency of Fort Saint George, and to enlarge their jurisdiction; It is hereby enacted as follows:— Preamble.

Preliminary.

1. This Act may be called "The Madras District Munsifs' Act:" Short title.

It extends to the territories for the time being under the government of the Governor of Madras in Council; Extent.

And it shall come into force on the first day of September 1870. Commencement.

2. On and from that day the enactments mentioned in the first Schedule hereto annexed shall be repealed to the extent specified in the third column of such Schedule. Repeal of enactments.

Appointment of District Munsifs.

3. The number of District Munsifs for each Zila shall be fixed, and may, from time to time, be altered, by the Local Government: Provided always that the said Government shall not increase the total number of District Munsifships without the previous sanction of the Governor General of India in Council. Number of Munsifs.

4. Whenever the office of a District Munsif under this Act is vacant, the High Court shall appoint to the office such person, duly qualified according to the rules which may, from time to time, be sanctioned by the Government, as it thinks proper. Mode of appointment.

5. The appointment of every District Munsif shall be published in the *Fort Saint George* and *District Gazettes*; and previous to entering upon the duties of his office, he shall make and subscribe a solemn declaration according to the form in the second Schedule to this Act annexed. Publication of appointment of District Munsif. Declaration.

Jurisdiction.

6. The High Court may fix, and from time to time modify, the local jurisdiction of District Munsifs. High Court to fix local jurisdiction.

7. District Munsifs are empowered to take cognizance of all suits, not otherwise exempted from their jurisdiction, where the subject-matter of the suit is not of a greater value than two thousand and five hundred rupees. The value shall be ascertained in accordance with the law for the time being in force, for valuing suits for the purposes of the fee on the plaint. Extent of jurisdiction in regard to value of suits. Mode of ascertaining value.

8. Where, in any suit, it may be necessary to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution, the Muhammadan law in the case of Muhammadans, and the Hindú law in the case of Hindús, shall form the rule of decision, unless such law shall, by legislative enactment, have been altered or abolished. In cases where no specific rule may exist, the District Munsif is to act according to justice, equity, and good conscience. By what law District Munsifs are to be governed.

9. No District Munsif shall sit on the trial of any suit in which he may be directly or indirectly a party, or personally interested, or shall adjudicate upon any proceeding connected with, or arising out of, such suit. District Munsif not to try a suit in which he is interested. Mode of disposing of such suit.

Whenever any such suit or proceeding shall be instituted before him, or depending in his Court when he takes charge, or shall be referred to him by the Zila Judge, he shall at once send the whole record of the case to the Zila Judge with a letter stating the reason for sending it. The Zila Court shall thereupon dispose of the case in the manner prescribed by section six of the Code of Civil Procedure.

Appeals.

10. Appeals shall lie to the Zila Court from all decrees or orders of District Munsifs, where such appeals are allowable: Appeals.

Provided that whenever a Principal Sadr Amín's Court is established in any Zila at a place remote from the station of the Zila Court, the High Court, with the sanction of Government, may order appeals from the decrees or orders of District Munsifs within the limits assigned to such Court, to be preferred in such Court:

Provided also, that it shall be lawful for the Zila Judge to call up to his own Court, from time to time, appeals received by any such Principal Sadr Amín, and to dispose of them himself; or to refer to any Principal Sadr Amín in the Zila any appeals from District Munsifs, which may be filed in the Zila Court.

Existing Jurisdiction.

11. Every Court which, when this Act comes into force exercises the jurisdiction of a District Munsif's Court, shall continue to exercise such jurisdiction as if it had been constituted under this Act, and shall be subject to all the provisions herein contained. Existing jurisdiction preserved.

Misconduct of District Munsifs.

12. Whenever the High Court is of opinion that there are good grounds for making a formal and public inquiry into the truth of any imputation of misconduct by any District Munsif, the High Court may appoint a Commissioner or Commissioners for the purpose of holding such an inquiry, and, on the receipt of his or their report, may order that the District Munsif be removed, or suspended from office, or reduced to a lower class. Commission of inquiry into alleged misconduct.

The provisions of Act No. XXXVII of 1850 *(for regulating inquiries into the behaviour of public servants)* shall apply to inquiries under this section, the powers conferred by that Act on the Government being exercised by the High Court.

13. The High Court may suspend any District Munsif from office pending the result of an inquiry into his behaviour under the preceding section. Suspension of District Munsifs by High Court or Zila Judge.

Any Zila Judge may, whenever he sees urgent necessity for so doing, suspend from office any District Munsif under his control. But, whenever the Zila Judge suspends any such District Munsif, he shall forthwith report the case for the orders of the High Court.

Nothing in this section or in section twelve shall be held to interfere with the right of Government to suspend, or remove from office, or reduce to a lower class, any District Munsif at their discretion. Saving of power of Government to suspend or dismiss.

Ministerial Officers.

14. All ministerial officers of the Courts of District Munsifs shall be nominated and appointed by those Courts, subject to the approval of the Zila Judge within whose jurisdiction such Courts are situate. Appointment of ministerial officers.

Every such Court may, by order, fine, suspend, or dismiss any of its ministerial officers who is guilty of any misconduct or neglect in the performance of the duties of his office. But every such order shall be subject to appeal to the Zila Judge; and the rules for the time being applicable to appeals to the Court of Session from orders of the Criminal Courts subordinate thereto, shall apply to all appeals under this section. Power to fine, suspend, or dismiss such officers.

Nothing in this section shall exempt the offender from any penal or other consequences to which he may be liable under any other law in force for the time being.

Suits against District Munsifs.

15. No civil suit against any person for any act done by him in his capacity as District Munsif shall be instituted in any Court inferior to a Zila Court; and no such suit shall be entertained unless a copy of the plaint shall have been previously submitted to the High Court, and the High Court shall have sanctioned the filing of such plaint: such copy may be on unstamped paper. Civil suit against Munsif to be commenced in Zila Court. Sanction of the High Court required.

THE FIRST SCHEDULE.

Enactments Repealed.

I.—MADRAS REGULATIONS.

Number and year.	Title of Regulation.	Extent of repeal.
VI of 1816 ...	A Regulation for reducing into one Regulation the rules which have been passed regarding the office of Native Commissioners; for modifying and extending their powers in the trial and decision of Civil Suits; and for authorizing them, under the designation of District Munsifs, to discharge certain additional duties.	So much as has not been repealed.

THE FIRST SCHEDULE,—*concluded.*

Enactments Repealed.

I.—MADRAS REGULATIONS,—*concluded.*

Number and year.	Title of Regulation.	Extent of repeal.
VII of 1816 ...	A Regulation for authorizing District Munsifs to assemble District Punchayets for the adjudication of civil suits for real and personal property, without limitation as to amount or value, within their respective jurisdictions, and for defining the powers and authority to be vested in such District Punchayets.	The whole.
II of 1821 ...	A Regulation for extending the jurisdiction of the Registers, Sadr Amíns, and District Munsifs, and for the more effectual checking of abuses by District Munsifs.	So much as has not been repealed.
VII of 1827 ...	A Regulation for constituting the office of Native Judge.	Sections ten, eleven, and twelve.
II of 1828 ...	A Regulation for improving the administration of justice by District Munsifs in certain respects.	So much as has not been repealed.
I of 1829 ...	A Regulation for amending the rules in force relative to the trial of appeals, and for the better security of impartiality in the administration of justice.	So much of the Regulation as applies to District Munsifs.
III of 1833 ...	A Regulation for conferring upon Sadr Amíns' jurisdiction in criminal cases, and for extending the civil jurisdiction of Registers, Sádr Amíns, and District Munsifs.	So much as has not been repealed.

II.—ACT.

Number and year.	Title of Act.	Extent of repeal.
VII of 1843 ...	An Act for abolishing the Provincial Courts of Appeal and Circuit in the Presidency of Fort Saint George, and for establishing new Zila Courts to perform their functions; for establishing Courts constituted according to Regulations I and II, and Regulations VII and VIII of 1827, in place of the existing Civil and Criminal Zila Courts; and for extending the civil jurisdiction of such Courts.	Sections eight and seventeen, clauses two and twenty-three.

THE SECOND SCHEDULE,

(See Section 5.)

Form of declaration to be administered to persons appointed to the office of District Munsif.

I, A. B., appointed to the office of District Munsif of ——, do solemnly declare that, in the trial and determination of all suits which may come under my cognizance and in the execution of all the other duties of my office, I will act according to the best of my abilities and judgment, without partiality, favour, or affection; that I will not, directly or indirectly, receive, or knowingly allow any other person to receive, any money, effects, or property, on account of any suit that may come before me for decision, or on account of any public duty which I may have to execute. I will strictly adhere to all the rules prescribed for my guidance, and I will, in all respects, truly and faithfully execute the trust reposed in me.

STATEMENT OF OBJECTS AND REASONS.

The origin of this Bill (which has been prepared by the Madras Government) is as follows:—

The merchants and residents of Bimlipatam addressed a memorial to that Government a short time ago, representing the great inconvenience experienced by them in the prosecution of their business from the want of any Court, at that town, of higher jurisdiction than that of the District Munsif. Both the Collector of the District and the Zila Judge supported the memorial, and suggested that the jurisdiction of the District Munsif at Bimlipatam should be extended to Rs. 2,500. The Government referred the memorial to the Judges of the High Court at Madras, and requested their opinion as to whether it would not be better to raise the jurisdiction of District Munsifs throughout the Presidency. The Judges, in reply, stated that any increase of the District Munsifs' jurisdiction, which might be made, should be general; that the late Muftí Sadr Amíns had jurisdiction up to Rs. 2,500; and that the District Munsifs of the present day were equally qualified to exercise this jurisdiction. The Judges were of opinion, however, that the jurisdiction of District Munsifs in regard to immoveable property should remain the same as it is now, but that their jurisdiction as respects moveable property should be increased to Rs. 2,500.

On further consideration, it appeared that District Munsifs, under the laws now in force, did in fact try suits for land whose value, if estimated according to the rules laid down for the valuation of suits in Act XXVI of 1867, would amount to Rs. 2,000 or even more. It was therefore suggested by the High Court Judges (with the exception of Mr. Justice Holloway) that the system of valuation of every species of property should be that laid down by the Stamp Laws for the time being in force, for ascertaining the amount of the institution fee, and that a uniform jurisdiction to the extent of Rs. 2,500 should be given. The present Bill is framed on this principle.

Madras Regulation VI of 1816, sec. 11. Madras Regulation III of 1833, sec. 5.

The Local Government considered it advisable that the Bill should take the form of an Act consolidating all the laws relating to the ordinary jurisdiction of District Munsifs which are now in force. As, however, it was found that a complete consolidation of all such provisions would involve legislation affecting the High Court, it became necessary to refer the Bill to the Council of the Governor General.

It will be observed that the Bill vests the appointment of District Munsifs in the High Court, whereas Act No. XVI of 1868, section five, provides that in Bengal the High Court should nominate Munsifs whom the Local Government should appoint; while, in Bombay, Act No. XIV of 1869 vests the appointment of such Judges absolutely in the Government. Practically, however, the Government would always appoint the nominee of the High Court; and it was thought unadvisable to multiply correspondence by reserving a formal power of appointment to the Government.

F. R. COCKERELL.

SIMLA;
The 12th May 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 28th June 1870:—

No. 13 OF 1870.

A Bill to enable the Government of India to exempt goods from customs duties.

FOR the purpose of enabling the Governor General of India in Council to exempt goods from duties of customs; It is hereby enacted as follows:—

Preamble.

1. The said Governor General in Council may from time to time, by notification in the *Gazette of India*, exempt any goods imported or exported into or from British India, or into or from any specified port or place therein, from the whole or any part of the duties of customs to which they are liable under the Indian Customs Duties Act, 1870, or any other law for the time being in force relating to such duties,

Power to exempt from customs duties.

and may, by like notification, cancel any such exemption.

Power to cancel exemption.

STATEMENT OF OBJECTS AND REASONS.

In order to encourage the use of our ports as *entrepôts* and for other reasons, it is convenient that the Government of India should have the power to exempt wholly or in part from export duty goods which have paid import duty.

But to authorise such exemptions in the face of the Indian Customs Duties Act, and of the declaration in section 137 of the Consolidated Customs Act (VI of 1863), it seems that legislation is necessary.

R. TEMPLE.

SIMLA,
The 30th May 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 28th June 1870:—

No. 14 OF 1870.

A Bill to enable the Directors of the Bank of Bengal to act by a quorum.

WHEREAS section three of the Act for regulating the Bank of Bengal (No. IV of 1862) declares that the business of the said Bank shall be managed by nine Directors, but does not authorise such business to be managed by a less number; and whereas it is expedient to provide that such business may be

Preamble.

managed by a quorum; It is hereby enacted as follows:—

Amendment of Act IV of 1862, section 3.

1. The said section shall be construed as if after the words "more Directors," the words "of whom three shall be a quorum and" were inserted.

Validation of acts of Directors.

2. No act heretofore done by a number of the said Directors less than nine shall be deemed invalid by reason only of its having been done by such less number.

STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to authorise the nine Directors of the Bank of Bengal to act by a quorum of three.

The opportunity has been taken to validate acts which might be deemed invalid by reason of their having been done by less than the whole number of Directors.

R. TEMPLE.

SIMLA;
The 3rd June 1870.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 28th June 1870:—

No. 15 OF 1870.

A Bill to correct two clerical errors in the Court Fees Act, 1870.

Preamble.

FOR the purpose of correcting two clerical errors in the Court Fees Act, 1870; It is hereby enacted as follows:—

Corrections of Act VII of 1870, section 15, and Schedule I, No. 2.

1. Section fifteen of the said Act shall be read as if for the words "plaint or memorandum of appeal," the word "application" were substituted; and in Schedule I to the said Act annexed, Number two shall be read as if the words 'or memorandum of appeal' were omitted therefrom.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to correct two clerical errors in the Court Fees Act. The first of these is in section fifteen, where the words "plaint or memorandum of appeal" are miswritten for 'application,' and the second is in Schedule I, No. 2, where the words 'or memorandum of appeal' have been erroneously inserted.

F. R. COCKERELL.

SIMLA;
The 21st June 1870.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, JULY 9, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 21st June 1870, and was referred to a Select Committee with instructions to make their report thereon in one month:—

No. 11 OF 1870.

A Bill to relieve from Incumbrances the Estates of Taluqdárs in Oudh.

Preamble.

WHEREAS many of the taluqdárs of Oudh are in debt, and their immoveable property is subject to mortgages, charges and liens; and whereas it is expedient to provide for their relief in manner hereinafter appearing; It is hereby enacted as follows:—

I.—Preliminary.

Short title.

1. This Act may be called "The Oudh Taluqdárs' Relief Act."

Commencement.

And it shall come into force on the first day of August 1870.

2. In this Act—

Interpretation clause.

'Chief Commissioner' means the Chief Commissioner of Oudh:

'Financial Commissioner' means the Financial Commissioner of Oudh:

'taluqdár' means a person whose name is entered in the first of the lists mentioned in the Oudh Estates' Act, 1869, section eight: and

'heir' means the person for the time being entitled under the same Act as heir to a taluqdár.

II.—Vesting Order.

Power to vest management of taluqdár's property in an officer appointed by Chief Commissioner.

3. Whenever any taluqdár applies in writing to the Chief Commissioner, stating that the applicant is subject to, or that his immoveable property is charged with, debts or liabilities other than debts due or liabilities incurred to Government, and requesting that the provisions of this Act be applied to his case,

the Chief Commissioner may, with the previous consent of the Governor General of India in Council, by order published in the local official *Gazette*, appoint an officer (hereinafter called the Manager) and vest in him the management of the immoveable property, of or to which the taluqdár is then possessed or entitled in his own right, or which may be acquired by or devolve on the taluqdár or his heir during the continuance of such management.

Effect of order.

4. On such publication the following consequences shall ensue:—

Bar of suits against taluqdár.

First, all proceedings in respect to such debts or liabilities which may then be pending in any Civil Court in British India, shall be barred; and all processes, executions and attachments for or in respect of such debts and liabilities shall become null and void;

Taluqdár freed from arrest,

Secondly, so long as such management continues, the taluqdár and his heir shall not be liable to arrest,

and his property from attachment.

nor shall their property, whether moveable, or immoveable, be liable to attachment or sale under process of any Civil Court in British India,

for or in respect of the debts and liabilities to which the taluqdár was immediately before the said publication subject, or with which his immoveable property or any part thereof was then charged, other than debts due or liabilities incurred to Government; and

Thirdly, so long as such management continues, the taluqdár and his heir shall be incompetent to mortgage, charge, lease or alienate their immoveable property or any part thereof, or to grant valid receipts for the rents and profits arising or accruing from such property.

Cessation of his power to alienate.

III.—Duties of Manager.

5. The Manager shall, during his management of the said property, receive and recover all rents and profits due in respect thereof; and shall upon receipt of such rents and profits give receipts for the same.

Manager to receive rents and profits,

From the sums so received, he shall pay

(a) the Government revenue, and all debts or liabilities for the time being due or incurred to Government in respect of the said property or any part thereof:

and pay therefrom the Government demand,

(b) such annual sum as appears to the Chief Commissioner requisite for the maintenance of the taluqdár, his heir and their families:

and an annual sum for support of the taluqdár and his family,

(c) the costs of such repairs and improvements of the property as appear necessary to the Manager and are approved by the Chief Commissioner;

and costs of repairs and improvements,

and the residue shall be applied in discharge of the costs of the management, and in settlement of such debts and liabilities of the taluqdár and his heir and their immoveable property as may be established under the provisions hereinafter contained.

and costs of management, and shall settle the debts and liabilities.

IV.—Settlement of Debts.

6. On assuming the management of the said property, the Manager shall publish in the local official *Gazette* a notice in English and Urdu, calling upon all persons having claims against the taluqdár or his immoveable property or any part thereof, to notify the same in writing to such Manager within three months from the date of the publication.

Notice to claimants against taluqdár.

He shall also cause copies of such notice to be exhibited at the Tahsíldár's kachahrís in the District or Districts in which the said property lies and at such other places as the Manager thinks fit.

Copies of notice to be exhibited.

7. Every such claimant shall, along with his claim, present full particulars thereof.

Claim to contain full particulars.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the Manager along with the claim.

Documents to be given up.

If the document be an entry in any book, the claimant shall produce the book to the Manager, together with a copy of the entry on which he relies. The Manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

Entries in books.

Any document in the possession or under the control of the claimant, which was not delivered or produced by him to the Manager along with the claim, shall not, without the Manager's sanction, be received in evidence on the claimant's behalf at the investigation of the case.

Exclusion of documents not produced.

8. Every debt or liability (other than debts due or liabilities incurred to Government) to which the taluqdár is subject, or with which his immoveable property or any part thereof is charged and which is not duly notified to the Manager within the time and in manner herein-before mentioned, shall be for ever barred:

Debt or liability not duly notified, to be barred.

Provided that, when proof is made to the Manager that the claimant was unable to comply with the provisions of sections six and seven, the Manager may admit such claim within the further period of nine months from the expiration of the said period of three months.

Provision for admission of claim within further period of nine months.

9. The Manager shall, in accordance with the rules to be made under this Act, determine the amount of the debts and liabilities due to the several creditors of the taluqdár and persons holding mortgages, charges or liens on the said property or any part thereof.

Determination of debts and liabilities.

An appeal against such determination shall lie, if preferred within six weeks from the date of such determination, to the Commissioner of Division to whom the Manager is subordinate, and the decision of such Commissioner, or of the Manager, if no such appeal shall have been so preferred, shall be final.

Appeal.

10. When the total amount of such debts and liabilities has been finally determined, the Manager shall prepare and submit to the Chief Commissioner, through the Financial Commissioner, a schedule of such debts and liabilities, and a scheme for the settlement thereof, and such scheme, when approved by the Chief Commissioner, shall be carried into effect.

Scheme for settlement of debts and liabilities.

11. When all such debts and liabilities shall have been discharged, the taluqdár or his heir shall be restored to the possession and enjoyment of his immoveable property, or of such part thereof as shall not have been sold by the

Restoration of taluqdár to his property.

Manager under the power contained in section eighteen, but subject to the existing leases and mortgages (if any) granted and made by the Manager under the powers hereinafter contained.

V.—Powers of Manager.

12. The Manager may from time to time call for further and better particulars of any claim preferred before him under this Act, and may at his discretion refuse to proceed with the investigation of the claim until such particulars are supplied.

Power to call for further particulars.

13. For the purposes of this Act, the Manager may summon and enforce the attendance of witnesses and compel the production of documents by the same means, and, as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of the Civil Procedure.

Power to summon witnesses and compel production of documents.

14. The Manager may administer an oath in such form as he thinks fit to any person examined before him touching the matters to be enquired into under this Act.

Power to administer oaths.

15. Every investigation conducted by the Manager with reference to any claim preferred before him under this Act, or to any matter connected with any such claim, shall be taken to be a judicial proceeding within the meaning of the Indian Penal Code.

Investigation to be deemed a judicial proceeding.

And every statement made by any person examined by or before the Manager with reference to such investigation, whether upon oath or otherwise, shall be taken to be evidence within the meaning of the same Code.

Statements of persons examined, to be evidence.

16. The Manager shall have, for the purpose of realizing and recovering the rents and profits of the said immoveable property, the same powers as a Collector possesses for the recovery of land-revenue due to Government.

Manager to have powers of a Collector.

And on assuming the management of the said property, he shall have power to remove from possession of such property, or any part thereof, any mortgagee who may then be in possession of the same, but without prejudice to such mortgagee preferring his claim under the provisions hereinbefore contained.

Power to remove mortgagee in possession.

17. The Manager shall have power from time to time to demise all or any part of the said property, for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of any fine or fines, or without fine, and subject to such conditions, rents, and agreements as he shall think fit.

Power to lease.

18. The Manager, with the previous assent of the Chief Commissioner, shall have power from time to time to raise any money which may be required for the settlement of the debts and liabilities (other than as aforesaid) to which the taluqdár is subject, or with which his immoveable property or any part thereof is charged,

Power to raise money by mortgage or sale.

by demising by way of mortgage the whole or any part of such property for a term not exceeding twenty years from the said publication,

or by selling, with the previous consent of the taluqdár and of the person (being of full age) who would be his heir if he died intestate, by public auction or by private contract, and upon such terms as the Manager shall think fit, such outlying portion of the same property as may appear expedient:

And no mortgagee advancing money upon any mortgage made under this section, shall be bound to see that such money is wanted or that no more than is wanted is raised:

And the receipt of the Manager for any monies paid to him upon any mortgage or sale made under this section, or for any rents or profits received by him under section five, shall discharge the person paying such monies, rents, or profits therefrom and from being concerned to see to the application thereof.

Manager's receipts.

VI.—Miscellaneous.

19. With the previous sanction of the Governor General of India in Council, the Chief Commissioner may from time to time make rules consistent with this Act for the guidance of Managers in all matters connected with its enforcement.

Power to make rules.

20. Whenever the Chief Commissioner thinks fit, he may appoint any officer to be a Manager in the stead of any Manager appointed under this Act; and thereupon the management then vested under this Act in the former Manager shall become vested in the new Manager; and every such new Manager shall have the same powers as if he had been originally appointed.

Power to appoint new Managers.

21. Nothing in this Act shall preclude the Courts of the Province of Oudh having jurisdiction in suits relating to the succession to any immoveable property brought under the operation of this Act, or to rights of persons claiming maintenance from such property, from entertaining and disposing of such suits:

Saving of jurisdiction of Courts in Oudh in respect of certain suits.

But to all such suits the Manager of the property shall be made a party.

STATEMENT OF OBJECTS AND REASONS.

Many of the Oudh taluqdárs are so deeply in debt and their estates are subject to incumbrances so heavy that they cannot perform their proper functions as landholders, and, in the absence of relief such as the present Bill proposes to give, those estates will probably, sooner or later, become the property of money-lenders. This, for political reasons, is deemed inexpedient, and the present Bill accordingly proposes to empower the Chief Commissioner, on the application of any embarrassed taluqdár, to vest the management of his estate in a Government officer. Suits against the taluqdár will thereupon be barred, his person will be freed

from arrest, and his immoveable property from attachment, and, during the continuance of the management, his right to encumber or alienate will cease. The Manager will receive the rents and profits, and pay thereout the Government revenue, such annual sum as may be necessary to maintain the taluqdár and his family, and the costs of necessary repairs and improvements. The residue will be applied in defraying the costs of management, and in settling the taluqdár's debts and liabilities.

Provision is then made in sections 6—10 for ascertaining those debts and liabilities, and, on their discharge, the taluqdár (section eleven) will be restored to the possession of his estate.

Sections 12—18 confer the necessary powers on the Manager. The Bill then authorises the Chief Commissioner to prescribe supplementary rules for his guidance, and to appoint a new Manager, and, lastly, the jurisdiction of the local courts is saved as to certain suits relating to property under the operation of the proposed Act.

An Act with a similar object was passed in 1862 by the Bombay Legislature, and has been worked with much success. Of 469 estates which have come under its operation, about one-half have already been restored to the owners free from all encumbrances. It is anticipated that the same measure of success will attend the present Bill, which is brought forward on the recommendation of the Chief Commissioner, and at the request of the taluqdárs themselves.

J. STRACHEY.

The 3rd February 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 28th June 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 12 OF 1870.

A Bill to consolidate and amend the law relating to District Munsifs in the Presidency of Fort Saint George.

Preamble. WHEREAS it is expedient to consolidate the laws relating to District Munsifs in the Presidency of Fort Saint George, and to enlarge their jurisdiction; It is hereby enacted as follows:—

Preliminary.

Short title. **1.** This Act may be called "The Madras District Munsifs' Act:"

Extent. It extends to the territories for the time being under the government of the Governor of Madras in Council;

Commencement. And it shall come into force on the first day of September 1870.

Repeal of enactments. **2.** On and from that day the enactments mentioned in the first Schedule hereto annexed shall be repealed to the extent specified in the third column of such Schedule.

Appointment of District Munsifs.

Number of Munsifs. **3.** The number of District Munsifs for each Zila shall be fixed, and may, from time to time, be altered, by the Local Government: Provided always that the said Government shall not increase the total number of District Munsifships without the previous sanction of the Governor General of India in Council.

Mode of appointment. **4.** Whenever the office of a District Munsif under this Act is vacant, the High Court shall appoint to the office such person, duly qualified according to the rules which may, from time to time, be sanctioned by the Government, as it thinks proper.

Publication of appointment of District Munsif. **5.** The appointment of every District Munsif shall be published in the *Fort Saint George* and *District Gazettes*; and previous to entering upon the duties of his office, he shall make

Declaration. and subscribe a solemn declaration according to the form in the second Schedule to this Act annexed.

Jurisdiction.

High Court to fix local jurisdiction. **6.** The High Court may fix, and from time to time modify, the local jurisdiction of District Munsifs.

Extent of jurisdiction in regard to value of suits. **7.** District Munsifs are empowered to take cognizance of all suits, not otherwise exempted from their jurisdiction, where the subject-matter of the suit is not of a

Mode of ascertaining value. greater value than two thousand and five hundred rupees. The value shall be ascertained in accordance with the law for the time being in force, for valuing suits for the purposes of the fee on the plaint.

By what law District Munsifs are to be governed. **8.** Where, in any suit, it may be necessary to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution, the Muhammadan law in the case of Muhammadans, and the Hindú law in the case of Hindús, shall form the rule of decision, unless such law shall, by legislative enactment, have been altered or abolished. In cases where no specific rule may exist, the District Munsif is to act according to justice, equity, and good conscience.

District Munsif not to try a suit in which he is interested. **9.** No District Munsif shall sit on the trial of any suit in which he may be directly or indirectly a party, or personally interested, or shall

Mode of disposing of such suit. adjudicate upon any proceeding connected with, or arising out of, such suit.

Whenever any such suit or proceeding shall be instituted before him, or depending in his Court when he takes charge, or shall be referred to him by the Zila Judge, he shall at once send the whole record of the case to the Zila Judge with a letter stating the reason for sending it. The Zila Court shall thereupon dispose of the case in

the manner prescribed by section six of the Code of Civil Procedure.

Appeals.

Appeals. **10.** Appeals shall lie to the Zila Court from all decrees or orders of District Munsifs, where such appeals are allowable:

Provided that whenever a Principal Sadr Amín's Court is established in any Zila at a place remote from the station of the Zila Court, the High Court, with the sanction of Government, may order appeals from the decrees or orders of District Munsifs within the limits assigned to such Court, to be preferred in such Court:

Provided also, that it shall be lawful for the Zila Judge to call up to his own Court, from time to time, appeals received by any such Principal Sadr Amín, and to dispose of them himself; or to refer to any Principal Sadr Amín in the Zila any appeals from District Munsifs, which may be filed in the Zila Court.

Existing Jurisdiction.

Existing jurisdiction preserved. **11.** Every Court which, when this Act comes into force exercises the jurisdiction of a District Munsif's Court, shall continue to exercise such jurisdiction as if it had been constituted under this Act, and shall be subject to all the provisions herein contained.

Misconduct of District Munsifs.

Commission of inquiry into alleged misconduct. **12.** Whenever the High Court is of opinion that there are good grounds for making a formal and public inquiry into the truth of any imputation of misconduct by any District Munsif, the High Court may appoint a Commissioner or Commissioners for the purpose of holding such an inquiry, and, on the receipt of his or their report, may order that the District Munsif be removed, or suspended from office, or reduced to a lower class.

The provisions of Act No. XXXVII of 1850 *(for regulating inquiries into the behaviour of public servants)* shall apply to inquiries under this section, the powers conferred by that Act on the Government being exercised by the High Court.

Suspension of District Munsifs by High Court or Zila Judge. **13.** The High Court may suspend any District Munsif from office pending the result of an inquiry into his behaviour under the preceding section.

Any Zila Judge may, whenever he sees urgent necessity for so doing, suspend from office any District Munsif under his control. But, whenever the Zila Judge suspends any such District Munsif, he shall forthwith report the case for the orders of the High Court.

Saving of power of Government to suspend or dismiss. Nothing in this section or in section twelve shall be held to interfere with the right of Government to suspend, or remove from office, or reduce to a lower class, any District Munsif at their discretion.

Ministerial Officers.

Appointment of ministerial officers. **14.** All ministerial officers of the Courts of District Munsifs shall be nominated and appointed by those Courts, subject to the approval of the Zila Judge within whose jurisdiction such Courts are situate.

Power to fine, suspend, or dismiss such officers. Every such Court may, by order, fine, suspend, or dismiss any of its ministerial officers who is guilty of any misconduct or neglect in the performance of the duties of his office. But every such order shall be subject to appeal to the Zila Judge; and the rules for the time being applicable to appeals to the Court of Session from orders of the Criminal Courts subordinate thereto, shall apply to all appeals under this section.

Nothing in this section shall exempt the offender from any penal or other consequences to which he may be liable under any other law in force for the time being.

Suits against District Munsifs.

Civil suit against Munsif to be commenced in Zila Court. **15.** No civil suit against any person for any act done by him in his capacity as District Munsif shall be instituted in any Court inferior to a Zila Court; and no such suit

Sanction of the High Court required. shall be entertained unless a copy of the plaint shall have been previously submitted to the High Court, and the High Court shall have sanctioned the filing of such plaint; such copy may be on unstamped paper.

THE FIRST SCHEDULE.

Enactments Repealed.

I.—MADRAS REGULATIONS.

Number and year.	Title of Regulation.	Extent of repeal.
VI of 1816 ...	A Regulation for reducing into one Regulation the rules which have been passed regarding the office of Native Commissioners; for modifying and extending their powers in the trial and decision of Civil Suits; and for authorizing them, under the designation of District Munsifs, to discharge certain additional duties.	So much as has not been repealed.

THE FIRST SCHEDULE,—*concluded.*

Enactments Repealed.

I.—MADRAS REGULATIONS,—*concluded.*

Number and year.	Title of Regulation.	Extent of repeal.
VII of 1816 ...	A Regulation for authorizing District Munsifs to assemble District Punchayets for the adjudication of civil suits for real and personal property, without limitation as to amount or value, within their respective jurisdictions, and for defining the powers and authority to be vested in such District Punchayets.	The whole.
II of 1821 ...	A Regulation for extending the jurisdiction of the Registers, Sadr Amíns, and District Munsifs, and for the more effectual checking of abuses by District Munsifs.	So much as has not been repealed.
VII of 1827 ...	A Regulation for constituting the office of Native Judge.	Sections ten, eleven, and twelve.
II of 1828 ...	A Regulation for improving the administration of justice by District Munsifs in certain respects.	So much as has not been repealed.
I of 1829 ...	A Regulation for amending the rules in force relative to the trial of appeals, and for the better security of impartiality in the administration of justice.	So much of the Regulation as applies to District Munsifs.
III of 1833 ...	A Regulation for conferring upon Sadr Amíns' jurisdiction in criminal cases, and for extending the civil jurisdiction of Registers, Sádr Amíns, and District Munsifs.	So much as has not been repealed.

II.—ACT.

Number and year.	Title of Act.	Extent of repeal.
VII of 1843 ...	An Act for abolishing the Provincial Courts of Appeal and Circuit in the Presidency of Fort Saint George, and for establishing new Zila Courts to perform their functions; for establishing Courts constituted according to Regulations I and II, and Regulations VII and VIII of 1827, in place of the existing Civil and Criminal Zila Courts; and for extending the civil jurisdiction of such Courts.	Sections eight and seventeen, clauses two and twenty-three.

THE SECOND SCHEDULE.

(See Section 5.)

Form of declaration to be administered to persons appointed to the office of District Munsif.

I, A. B., appointed to the office of District Munsif of ——, do solemnly declare that, in the trial and determination of all suits which may come under my cognizance and in the execution of all the other duties of my office, I will act according to the best of my abilities and judgment, without partiality, favour, or affection; that I will not, directly or indirectly, receive, or knowingly allow any other person to receive, any money, effects, or property, on account of any suit that may come before me for decision, or on account of any public duty which I may have to execute. I will strictly adhere to all the rules prescribed for my guidance, and I will, in all respects, truly and faithfully execute the trust reposed in me.

STATEMENT OF OBJECTS AND REASONS.

The origin of this Bill (which has been prepared by the Madras Government) is as follows:—

The merchants and residents of Bimlipatam addressed a memorial to that Government a short time ago, representing the great inconvenience experienced by them in the prosecution of their

business from the want of any Court, at that town, of higher jurisdiction than that of the District Munsif. Both the Collector of the District and the Zila Judge supported the memorial; and suggested that the jurisdiction of the District Munsif at Bimlipatam should be extended to Rs. 2,500. The Government referred the memorial to the Judges of the High Court at Madras, and requested their opinion as to whether it would not be better to raise the jurisdiction of District Munsifs throughout the Presidency. The Judges, in reply, stated that any increase of the District Munsifs' jurisdiction, which might be made, should be general; that the late Muftí Sadr Amíns had jurisdiction up to Rs. 2,500; and that the District Munsifs of the present day were equally qualified to exercise this jurisdiction. The Judges were of opinion, however, that the jurisdiction of District Munsifs in regard to immoveable property should remain the same as it is now, but that their jurisdiction as respects moveable property should be increased to Rs. 2,500.

On further consideration, it appeared that District Munsifs, under the *laws now in force, did in fact* try suits for land whose value, if estimated according to the rules laid down for the valuation of suits in Act XXVI of 1867, would amount to Rs. 2,000 or even more. It was therefore suggested by the High Court Judges (with the exception of Mr. Justice Holloway) that the system of valuation of every species of property should be that laid down by the Stamp Laws for the time being in force, for ascertaining the amount of the institution fee, and that a uniform jurisdiction to the extent of Rs. 2,500 should be given. The present Bill is framed on this principle.

Madras Regulation VI of 1816, sec. 11.
Madras Regulation III of 1833, sec. 5.

The Local Government considered it advisable that the Bill should take the form of an Act consolidating all the laws relating to the ordinary jurisdiction of District Munsifs which are now in force. As, however, it was found that a complete consolidation of all such provisions would involve legislation affecting the High Court, it became necessary to refer the Bill to the Council of the Governor General.

It will be observed that the Bill vests the appointment of District Munsifs in the High Court, whereas Act No. XVI of 1868, section five, provides that in Bengal the High Court should *nominate Munsifs whom the Local Government* should appoint; while, in Bombay, Act No. XIV of 1869 vests the appointment of such Judges absolutely in the Government. Practically, however, the Government would always appoint the nominee of the High Court; and it was thought unadvisable to multiply correspondence by reserving a formal power of appointment to the Government.

F. R. COCKERELL.

SIMLA;
The 12th May 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, JULY 16, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 28th June 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 12 OF 1870.

A Bill to consolidate and amend the law relating to District Munsifs in the Presidency of Fort Saint George.

Preamble. WHEREAS it is expedient to consolidate the laws relating to District Munsifs in the Presidency of Fort Saint George, and to enlarge their jurisdiction; It is hereby enacted as follows:—

Preliminary.

Short title. **1.** This Act may be called "The Madras District Munsifs' Act:"

Extent. It extends to the territories for the time being under the government of the Governor of Madras in Council;

Commencement. And it shall come into force on the first day of September 1870.

Repeal of enactments. **2.** On and from that day the enactments mentioned in the first Schedule hereto annexed shall be repealed to the extent specified in the third column of such Schedule.

Appointment of District Munsifs.

Number of Munsifs. **3.** The number of District Munsifs for each Zila shall be fixed, and may, from time to time, be altered, by the Local Government: Provided always that the said Government shall not increase the total number of District Munsifships without the previous sanction of the Governor General of India in Council.

Mode of appointment. **4.** Whenever the office of a District Munsif under this Act is vacant, the High Court shall appoint to the office such person, duly qualified according to the rules which may, from time to time, be sanctioned by the Government, as it thinks proper.

Publication of appointment of District Munsif. **5.** The appointment of every District Munsif shall be published in the *Fort Saint George* and *District Gazettes*; and previous to entering upon the duties of his office, he shall make

Declaration. and subscribe a solemn declaration according to the form in the second Schedule to this Act annexed.

Jurisdiction.

High Court to fix local jurisdiction. **6.** The High Court may fix, and from time to time modify, the local jurisdiction of District Munsifs.

Extent of jurisdiction in regard to value of suits. **7.** District Munsifs are empowered to take cognizance of all suits, not otherwise exempted from their jurisdiction, where the subject-matter of the suit is not of a

Mode of ascertaining value. greater value than two thousand and five hundred rupees. The value shall be ascertained in accordance with the law for the time being in force, for valuing suits for the purposes of the fee on the plaint.

By what law District Munsifs are to be governed. **8.** Where, in any suit, it may be necessary to deicde any question regarding succession, inheritance, marriage or caste, or any religious usage or institution, the Muhammadan law in the case of Muhammadans, and the Hindú law in the case of Hindús, shall form the rule of decision, unless such law shall, by legislative enactment, have been altered or abolished. In cases where no specific rule may exist, the District Munsif is to act according to justice, equity, and good conscience.

District Munsif not to try a suit in which he is interested. **9.** No District Munsif shall sit on the trial of any suit in which he may be directly or indirectly a party, or personally interested, or shall

Mode of disposing of such suit. adjudicate upon any proceeding connected with, or arising out of, such suit.

Whenever any such suit or proceeding shall be instituted before him, or depending in

his Court when he takes charge, or shall be referred to him by the Zila Judge, he shall at once send the whole record of the case to the Zila Judge with a letter stating the reason for sending it. The Zila Court shall thereupon dispose of the case in the manner prescribed by section six of the Code of Civil Procedure.

Appeals.

10. Appeals shall lie to the Zila Court from all decrees or orders of District Munsifs, where such appeals are allowable:

Appeals.

Provided that whenever a Principal Sadr Amín's Court is established in any Zila at a place remote from the station of the Zila Court, the High Court, with the sanction of Government, may order appeals from the decrees or orders of District Munsifs within the limits assigned to such Court, to be preferred in such Court:

Provided also, that it shall be lawful for the Zila Judge to call up to his own Court, from time to time, appeals received by any such Principal Sadr Amín, and to dispose of them himself; or to refer to any Principal Sadr Amín in the Zila any appeals from District Munsifs, which may be filed in the Zila Court.

Existing Jurisdiction.

11. Every Court which, when this Act comes into force exercises the jurisdiction of a District Munsif's Court, shall continue to exercise such jurisdiction as if it had been constituted under this Act, and shall be subject to all the provisions herein contained.

Existing jurisdiction preserved.

Misconduct of District Munsifs.

12. Whenever the High Court is of opinion that there are good grounds for making a formal and public inquiry into the truth of any imputation of misconduct by any District Munsif, the High Court may appoint a Commissioner or Commissioners for the purpose of holding such an inquiry, and, on the receipt of his or their report, may order that the District Munsif be removed, or suspended from office, or reduced to a lower class.

Commission of inquiry into alleged misconduct.

The provisions of Act No. XXXVII of 1850 *(for regulating inquiries into the behaviour of public servants)* shall apply to inquiries under this section, the powers conferred by that Act on the Government being exercised by the High Court.

13. The High Court may suspend any District Munsif from office pending the result of an inquiry into his behaviour under the preceding section.

Suspension of District Munsifs by High Court or Zila Judge.

Any Zila Judge may, whenever he sees urgent necessity for so doing, suspend from office any District Munsif under his control. But, whenever the Zila Judge suspends any such District Munsif, he shall forthwith report the case for the orders of the High Court.

Nothing in this section or in section twelve shall be held to interfere with the right of Government to suspend, or remove from office, or reduce to a lower class, any District Munsif at their discretion.

Saving of power of Government to suspend or dismiss.

Ministerial Officers.

14. All ministerial officers of the Courts of District Munsifs shall be nominated and appointed by those Courts, subject to the approval of the Zila Judge within whose jurisdiction such Courts are situate.

Appointment of ministerial officers.

Every such Court may, by order, fine, suspend, or dismiss any of its ministerial officers who is guilty of any misconduct or neglect in the performance of the duties of his office. But every such order shall be subject to appeal to the Zila Judge; and the rules for the time being applicable to appeals to the Court of Session from orders of the Criminal Courts subordinate thereto, shall apply to all appeals under this section.

Power to fine, suspend, or dismiss such officers.

Nothing in this section shall exempt the offender from any penal or other consequences to which he may be liable under any other law in force for the time being.

Suits against District Munsifs.

15. No civil suit against any person for any act done by him in his capacity as District Munsif shall be instituted in any Court inferior to a Zila Court; and no such suit shall be entertained unless a copy of the plaint shall have been previously submitted to the High Court, and the High Court shall have sanctioned the filing of such plaint: such copy may be on unstamped paper.

Civil suit against Munsif to be commenced in Zila Court.

Sanction of the High Court required.

THE FIRST SCHEDULE.

Enactments Repealed.

I.—MADRAS REGULATIONS.

Number and year.	Title of Regulation.	Extent of repeal.
VI of 1816 ...	A Regulation for reducing into one Regulation the rules which have been passed regarding the office of Native Commissioners; for modifying and extending their powers in the trial and decision of Civil Suits; and for authorizing them, under the designation of District Munsifs, to discharge certain additional duties.	So much as has not been repealed.

THE FIRST SCHEDULE,—*concluded.*

Enactments Repealed.

I.—MADRAS REGULATIONS,—*concluded.*

Number and year.	Title of Regulation.	Extent of repeal.
VII of 1816 ...	A Regulation for authorizing District Munsifs to assemble District Punchayets for the adjudication of civil suits for real and personal property, without limitation as to amount or value, within their respective jurisdictions, and for defining the powers and authority to be vested in such District Punchayets.	The whole.
II of 1821 ...	A Regulation for extending the jurisdiction of the Registers, Sadr Amíns, and District Munsifs, and for the more effectual checking of abuses by District Munsifs.	So much as has not been repealed.
VII of 1827 ...	A Regulation for constituting the office of Native Judge.	Sections ten, eleven, and twelve.
II of 1828 ...	A Regulation for improving the administration of justice by District Munsifs in certain respects.	So much as has not been repealed.
I of 1829 ...	A Regulation for amending the rules in force relative to the trial of appeals, and for the better security of impartiality in the administration of justice.	So much of the Regulation as applies to District Munsifs.
III of 1833 ...	A Regulation for conferring upon Sadr Amíns jurisdiction in criminal cases, and for extending the civil jurisdiction of Registers, Sadr Amíns, and District Munsifs.	So much as has not been repealed.

II.—ACT.

Number and year.	Title of Act.	Extent of repeal.
VII of 1843 ...	An Act for abolishing the Provincial Courts of Appeal and Circuit in the Presidency of Fort Saint George, and for establishing new Zila Courts to perform their functions; for establishing Courts constituted according to Regulations I and II, and Regulations VII and VIII of 1827, in place of the existing Civil and Criminal Zila Courts; and for extending the civil jurisdiction of such Courts.	Sections eight and seventeen, clauses two and twenty-three.

THE SECOND SCHEDULE.

(See Section 5.)

Form of declaration to be administered to persons appointed to the office of District Munsif.

I, A. B., appointed to the office of District Munsif of ——, do solemnly declare that, in the trial and determination of all suits which may come under my cognizance and in the execution of all the other duties of my office, I will act according to the best of my abilities and judgment, without partiality, favour, or affection; that I will not, directly or indirectly, receive, or knowingly allow any other person to receive, any money, effects, or property, on account of any suit that may come before me for decision, or on account of any public duty which I may have to execute. I will strictly adhere to all the rules prescribed for my guidance, and I will, in all respects, truly and faithfully execute the trust reposed in me.

STATEMENT OF OBJECTS AND REASONS.

The origin of this Bill (which has been prepared by the Madras Government) is as follows:—

The merchants and residents of Bimlipatam addressed a memorial to that Government a short time ago, representing the great inconvenience experienced by them in the prosecution of their

business from the want of any Court, at that town, of higher jurisdiction than that of the District Munsif. Both the Collector of the District and the Zila Judge supported the memorial, and suggested that the jurisdiction of the District Munsif at Bimlipatam should be extended to Rs. 2,500. The Government referred the memorial to the Judges of the High Court at Madras, and requested their opinion as to whether it would not be better to raise the jurisdiction of District Munsifs throughout the Presidency. The Judges, in reply, stated that any increase of the District Munsifs' jurisdiction, which might be made, should be general; that the late Muftí Sadr Amíns had jurisdiction up to Rs. 2,500; and that the District Munsifs of the present day were equally qualified to exercise this jurisdiction. The Judges were of opinion, however, that the jurisdiction of District Munsifs in regard to immoveable property should remain the same as it is now, but that their jurisdiction as respects moveable property should be increased to Rs. 2,500.

On further consideration, it appeared that District Munsifs, under the laws now in force, did in fact try suits for land whose value, if estimated according to the rules laid down for the valuation of suits in Act XXVI of 1867, would amount to Rs. 2,000 or even more. It was therefore suggested by the High Court Judges (with the exception of Mr. Justice Holloway) that the system of valuation of every species of property should be that laid down by the Stamp Laws for the time being in force, for ascertaining the amount of the institution fee, and that a uniform jurisdiction to the extent of Rs. 2,500 should be given. The present Bill is framed on this principle.

Madras Regulation VI of 1816, sec. 11.
Madras Regulation III of 1833, sec. 5.

The Local Government considered it advisable that the Bill should take the form of an Act consolidating all the laws relating to the ordinary jurisdiction of District Munsifs which are now in force. As, however, it was found that a complete consolidation of all such provisions would involve legislation affecting the High Court, it became necessary to refer the Bill to the Council of the Governor General.

It will be observed that the Bill vests the appointment of District Munsifs in the High Court, whereas Act No. XVI of 1868, section five, provides that in Bengal the High Court should nominate Munsifs whom the Local Government should appoint; while, in Bombay, Act No. XIV of 1869 vests the appointment of such Judges absolutely in the Government. Practically, however, the Government would always appoint the nominee of the High Court; and it was thought unadvisable to multiply correspondence by reserving a formal power of appointment to the Government.

F. R. COCKERELL.

SIMLA;
The 12th May 1870.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, JULY 23, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th July 1870, and was referred to a Select Committee with instructions to make their report thereon in one month:—

No. 16 OF 1870.

A Bill to consolidate and amend the law relating to Coinage and the Mint.

Preamble. Whereas it is expedient to consolidate and amend the law relating to coinage and the mint; It is hereby enacted as follows:—

I.—Preliminary.

Short title. 1. This Act may be called "The Indian Coinage Act, 1870."

Repeal of enactments. 2. The enactments specified in the Schedule hereto are repealed.

Interpretation clause. 3. In this Act, the expression "Mint" includes the Mints at Calcutta, at Bombay and at such other places (if any) as the Governor General in Council shall, by notification in the *Gazette of India*, from time to time, direct.

II.—Gold coinage.

Gold coins. 4. The under-mentioned gold coins only shall be coined at the Mint:—

(1.)—A gold mohur or fifteen-rupee piece.

(2.)—A five-rupee piece equal to a third of a gold mohur.

(3.)—A ten-rupee piece equal to two-thirds of a gold mohur.

(4.)—A thirty-rupee piece or a double gold mohur.

Their weight and standard. The weight of the said gold mohur shall be one hundred and eighty grains Troy, and the standard shall be as follows:—eleven-twelfths or one hundred and sixty-five grains of pure gold, and one-twelfth or fifteen grains of alloy.

The other gold coins shall be of proportionate weight and of the same standard.

III.—Silver Coinage.

Silver Coins. 5. The under-mentioned silver coins only shall be coined at the Mint:—

(1.)—A rupee to be called the Government Rupee.

(2.)—A half rupee.

(3.)—A quarter rupee, or four-anna piece.

(4.)—An eighth of a rupee, or two-anna piece.

Their weight and standard. The weight of the Government Rupee shall be one hundred and eighty grains Troy, and the standard shall be as follows:—eleven-twelfths or one hundred and sixty-five grains of pure silver, and one-twelfth or fifteen grains of alloy.

The other silver coins shall be of proportionate weight and of the same standard.

IV.—Copper Coinage.

Copper Coins. 6. The under-mentioned copper coins only shall be coined at the Mint:—

(1.)—A double pice or half anna.

(2.)—A pice or quarter anna.

(3.)—A half pice or one-eighth of an anna.

(4.)—A pie, being one-third of a pice or one-twelfth of an anna.

The copper coins so coined shall be respectively of the following weights:—

A *double pice* shall weigh two hundred grains Troy.

The pice shall weigh one hundred grains Troy.

The half pice shall weigh fifty grains Troy.

The pie shall weigh thirty-three and one-third grains Troy.

V.—Devices on Coins.

Present devices on coins.

7. Until the Governor General in Council shall otherwise order under the power hereinafter conferred, the gold, silver and copper coins coined under this Act shall bear on the obverse the likeness and the name of Her Majesty Queen Victoria, and the inscription "Victoria Queen," and on the reverse the designation of the coins in English filled by the word "India" with such date and embellishments on each coin as the Governor General in Council shall from time to time direct.

Power to order other devices.

8. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, direct the coining and issuing of all coins authorized by this Act, and prescribe in lieu of the likeness and inscription hereinbefore mentioned, such other likeness and inscription for all or any of the said coins as he shall think fit.

VI.—Legal Tender.

Gold coin not a legal tender.

9. No gold coin shall be a legal tender in payment or on account:

Proviso as to sums due to Government.

Provided that the coins mentioned in section four shall be received in all the treasuries of British India and its dependencies, in payment of sums due to the Government according to the values therein mentioned,

and that sovereigns and half sovereigns of current weight coined at any authorized Royal Mint in England or Australia shall be received in such treasuries in payment of sums so due as the equivalents of such sums respectively as the Governor General of India in Council shall, by notification in the *Gazette of India*, from time to time prescribe.

Silver coins a legal tender.

10. The said rupee and half rupee shall be a legal tender in payment or on account:

Provided that the coin shall not have lost more than two per cent. in weight; and provided it shall not have been chipped or filed, or have been defaced or diminished, otherwise than by use.

The quarter rupee and eighth of a rupee shall be legal tender only for the fractions of a rupee, subject to the provisions mentioned in this section.

Copper coin how to be legal tender.

11. The double pice shall be a legal tender for a thirty-second part of a rupee or for half an anna; the pice for a sixty-fourth part of a rupee or for one-fourth of an anna; the half pice for the one hundred and twenty-eighth part of a rupee or for one-eighth of an anna;

and the pie for an hundred and ninety-second part of a rupee or the twelfth of an anna:

Provided that none of the said copper coins shall be a legal tender, except for the fractions of a rupee.

Coin coined under former Acts still to be legal tender.

12. All silver coin of the weight and standard specified in the Acts No. XVII of 1835 and No. XXI of 1838, issued since the passing of those Acts, respectively, and before the first day of November 1862, and declared by those Acts, respectively, to be a legal tender,

and all copper coins of the weight specified in Acts No. XXI of 1835, No. XXII of 1844, and No. XVII of 1855, issued since the passing of those Acts, respectively, and before the first day of November 1862, and declared by these Acts, respectively, to be a legal tender,

shall continue to be a legal tender for the amounts thereof, respectively, subject to the same conditions and provisions as under those Acts, respectively, anything herein contained notwithstanding.

VII.—Diminished, Counterfeit, or Called-in Coin.

Defacing certain coins.

13. When any coin purporting to be coined and issued under the authority of the Government of India is tendered to any person being a public servant as defined by the Indian Penal Code, who has reason to believe it to be diminished whether by reasonable wearing or otherwise, or to be counterfeit, or to be called-in by any proclamation, he shall cut, break or deface such coin, or cause it to be cut, broken or defaced.

Loss of defaced coin.

14. If any coin so cut, broken or defaced has been diminished otherwise than by reasonable wearing, or is counterfeit, or has been called-in by a proclamation, the person tendering the same shall bear the loss thereof.

Receipt of defaced coin at rate.

But if it has been diminished only by reasonable wearing, or is of due weight, and has been coined and issued by the authority of the Government of India, and has not been called-in by any proclamation, the person cutting, breaking or defacing the same shall receive it at the rate it was coined for.

Adjudication of disputes by Police Magistrate, or by any person exercising magisterial powers.

15. Any dispute whether coin so cut, broken or defaced be diminished in manner aforesaid, or counterfeit, or called-in, shall be heard and finally determined, within the limits of the presidency towns by a Magistrate of Police, and, without those limits, by any person exercising powers not less than those of a subordinate Magistrate of the first class.

Indemnification of public servants for anything done before passing of Act.

16. All public servants are hereby indemnified for anything done before the passing of this Act, which might lawfully have been done if this Act had been in force; and no suit or other proceeding

shall be maintained against any such person in respect of anything so done.

VIII.—Duty on Coinage of Bullion.

Duty on produce of gold bullion.

17. A duty shall be levied at the rate of one rupee per cent. at the Mint on the produce of all gold bullion and on all gold coin.

Duty on produce of silver bullion.

18. All silver bullion or coin (not being struck at the Mint) which may be delivered into the Mint for coinage, shall be subject to a duty at the rate of two per cent. on the produce of such bullion or coin, and the amount of such duty shall be deducted from the return to be made to the proprietor.

Additional duty for coining half or quarter rupees.

19. Any person may have his silver bullion or coin converted into halves or quarters of a Government rupee on condition of paying a duty at the rate of one per cent. in addition to the duty of two per cent. imposed under section eighteen.

Certificate for produce of bullion.

20. The Mint Master, on the delivery of gold or silver bullion or coin into the Mint for coinage, shall grant to the proprietor a receipt which shall entitle him to a certificate from the Assay Master for the net produce of such bullion or coin payable at the General Treasury.

The Governor General in Council may, from time to time, determine by notification in the *Gazette of India* the period for which such certificates shall run.

Withdrawal of bullion.

21. The proprietor of any gold or silver bullion or coin so delivered for coinage, who is dissatisfied with the Assay Master's report of its value, may withdraw such bullion or coin without being subject to the duties on coinage imposed by this Act.

Equivalent for gold bullion equal to or better than standard.

22. For all gold bullion or coin, equal to, or better than, the standard prescribed for the gold mohur by this Act, which may be brought to the Mint for coinage, a number of gold mohurs coined under this Act, or Act No. XVII of 1835, or of the halves and quarters of such mohurs, equal, as nearly as may be, to the produce of such bullion, shall be returned to the proprietor after deducting the said duty of one per cent.

Charge for refining.

23. All gold bullion or coin inferior to the same standard, which may be brought to the Mint for coinage, shall, in addition to the same duty, be subject to such charge on account of the loss and expense of refining, together with such deduction on account of the inferiority of standard, as the Governor General of India in Council may, by notification in the *Gazette of India* from time to time, prescribe.

SCHEDULE.

Number and year of enactment.	Title or subject of enactment.
Bengal Regulation II of 1812.	A Regulation for levying a duty on the coinage of silver bullion and on the re-coinage of rupees, and other coins with certain exceptions at the Mints established at Calcutta, Furruckabad, and Benares; for defining the weight and standard of the Benares Rupee; for modifying the rates of duty at present levied in the coinage of gold bullion in the Mint of Calcutta; and also for establishing certain rules for the conduct of the business of the above-mentioned Mints, respectively.
Bengal Regulation XIV of 1818.	A Regulation for altering the standard of the Calcutta sicca Rupee and Gold Mohur, and for further modifying some of the rules in force respecting those coins.
Bengal Regulation V of 1819.	A Regulation for modifying certain parts of the rules in force in regard to the conduct of the business of the Mints subordinate to this presidency.
Act XVII of 1835 ...	Gold and silver coinage.
Act XIII of 1862 ...	An Act to provide for a new silver and a new copper coinage.

STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to make provision for defacing light-weight, counterfeit and called-in coin. This it proposes to do by three sections (13, 14 and 15), modelled on the Statutes 24 & 25 Vic., c. 95, s. 26, and 33 Vic., c. 10, s. 7.

The opportunity has been taken of consolidating the three Bengal Regulations (II of 1812, XIV of 1818, and V of 1819) and the two Acts (XVII of 1835 and XIII of 1862), in which the law relating to the Mint and the coinage of British India is now contained. The notification of 28th October 1868, as to receiving sovereigns and other gold pieces in payment of sums due to Government, has also been embodied in the Bill. The provisions as to the relative value of the old silver coins and as to contracts for payment of Calcutta sicca rupees, which are found in Act XVII of 1835, have been omitted as obsolete.

J. F. STEPHEN.

SIMLA;
The 24th May 1870.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, JULY 30, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th July 1870, and was referred to a Select Committee with instructions to make their report thereon in one month:—

No. 16 OF 1870.

A Bill to consolidate and amend the law relating to Coinage and the Mint.

Preamble. Whereas it is expedient to consolidate and amend the law relating to coinage and the mint; It is hereby enacted as follows:—

I.—Preliminary.

Short title. **1.** This Act may be called "The Indian Coinage Act, 1870."

Repeal of enactments. **2.** The enactments specified in the Schedule hereto are repealed.

Interpretation clause. **3.** In this Act, the expression "Mint" includes the Mints at Calcutta, at Bombay and at such other places (if any) as the Governor General in Council shall, by notification in the *Gazette of India*, from time to time, direct.

II.—Gold coinage.

Gold coins. **4.** The under-mentioned gold coins only shall be coined at the Mint:—

(1.)—A gold mohur or fifteen-rupee piece.

(2.)—A five-rupee piece equal to a third of a gold mohur.

(3.)—A ten-rupee piece equal to two-thirds of a gold mohur.

(4.)—A thirty-rupee piece or a double gold mohur.

Their weight and standard. The weight of the said gold mohur shall be one hundred and eighty grains Troy, and the standard shall be as follows:—eleven-twelfths or one hundred and sixty-five grains of pure gold, and one-twelfth or fifteen grains of alloy.

The other gold coins shall be of proportionate weight and of the same standard.

III.—Silver Coinage.

Silver Coins. **5.** The under-mentioned silver coins only shall be coined at the Mint:—

(1.)—A rupee to be called the Government Rupee.

(2.)—A half rupee.

(3.)—A quarter rupee, or four-anna piece.

(4.)—An eighth of a rupee, or two-anna piece.

Their weight and standard. The weight of the Government Rupee shall be one hundred and eighty grains Troy, and the standard shall be as follows:—eleven-twelfths or one hundred and sixty-five grains of pure silver, and one-twelfth or fifteen grains of alloy.

The other silver coins shall be of proportionate weight and of the same standard.

IV.—Copper Coinage.

Copper Coins. **6.** The under-mentioned copper coins only shall be coined at the Mint:—

(1.)—A double pice or half anna.

(2.)—A pice or quarter anna.

(3.)—A half pice or one-eighth of an anna.

(4.)—A pie, being one-third of a pice or one-twelfth of an anna.

The copper coins so coined shall be respectively of the following weights:—

A double pice shall weigh two hundred grains Troy.

The pice shall weigh one hundred grains Troy.

The half pice shall weigh fifty grains Troy.

The pie shall weigh thirty-three and one-third grains Troy.

V.—Devices on Coins.

Present devices on coins.

7. Until the Governor General in Council shall otherwise order under the power hereinafter conferred, the gold, silver and copper coins coined under this Act shall bear on the obverse the likeness and the name of Her Majesty Queen Victoria, and the inscription "Victoria Queen," and on the reverse the designation of the coins in English filled by the word "India" with such date and embellishments on each coin as the Governor General in Council shall from time to time direct.

Power to order other devices.

8. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, direct the coining and issuing of all coins authorized by this Act, and prescribe in lieu of the likeness and inscription hereinbefore mentioned, such other likeness and inscription for all or any of the said coins as he shall think fit.

VI.—Legal Tender.

Gold coin not a legal tender.

9. No gold coin shall be a legal ten[illegible] payment or on account:

Proviso as to sums due to Government.

Provided that the coins mentioned in section four shall be received in all the treasuries of British India and its dependencies, in payment of sums due to the Government according to the values therein mentioned,

and that sovereigns and half sovereigns of current weight coined at any authorized Royal Mint in England or Australia shall be received in such treasuries in payment of sums so due as the equivalents of such sums respectively as the Governor General of India in Council shall, by notification in the *Gazette of India*, from time to time prescribe.

Silver coins a legal tender.

10. The said rupee and half rupee shall be a legal tender in payment or on account:

Provided that the coin shall not have lost more than two per cent. in weight; and provided it shall not have been chipped or filed, or have been defaced or diminished, otherwise than by use.

The quarter rupee and eighth of a rupee shall be legal tender only for the fractions of a rupee, subject to the provisions mentioned in this section.

Copper coin how to be legal tender.

11. The double pice shall be a legal tender for a thirty-second part of a rupee or for half an anna; the pice for a sixty-fourth part of a rupee or for one-fourth of an anna; the half pice for the one hundred and twenty-eighth part of a rupee or for one-eighth of an anna;

and the pie for an hundred and ninety-second part of a rupee or the twelfth of an anna:

Provided that none of the said copper coins shall be a legal tender, except for the fractions of a rupee.

Coin coined under former Acts still to be legal tender.

12. All silver coin of the weight and standard specified in the Acts No. XVII of 1835 and No. XXI of 1838, issued since the passing of those Acts, respectively, and before the first day of November 1862, and declared by those Acts, respectively, to be a legal tender,

and all copper coins of the weight specified in Acts No. XXI of 1835, No. XXII of 1844, and No. XVII of 1855, issued since the passing of those Acts, respectively, and before the first day of November 1862, and declared by these Acts, respectively, to be a legal tender,

shall continue to be a legal tender for the amounts thereof, respectively, subject to the same conditions and provisions as under those Acts, respectively, anything herein contained notwithstanding.

VII.—Diminished, Counterfeit, or Called-in Coin.

Defacing certain coins.

13. When any coin purporting to be coined and issued under the authority of the Government of India is tendered to any person being a public servant as defined by the Indian Penal Code, who has reason to believe it to be diminished whether by reasonable wearing or otherwise, or to be counterfeit, or to be called-in by any proclamation, he shall cut, break or deface such coin, or cause it to be cut, broken or defaced.

Loss of defaced coin.

14. If any coin so cut, broken or defaced has been diminished otherwise than by reasonable wearing, or is counterfeit, or has been called-in by a proclamation, the person tendering the same shall bear the loss thereof.

Receipt of defaced coin at rate.

But if it has been diminished only by reasonable wearing, or is of due weight, and has been coined and issued by the authority of the Government of India, and has not been called-in by any proclamation, the person cutting, breaking or defacing the same shall receive it at the rate it was coined for.

Adjudication of disputes by Police Magistrate, or by any person exercising magisterial powers.

15. Any dispute whether coin so cut, broken or defaced be diminished in manner aforesaid, or counterfeit, or called-in, shall be heard and finally determined, within the limits of the presidency towns by a Magistrate of Police, and, without those limits, by any person exercising powers not less than those of a subordinate Magistrate of the first class.

Indemnification of public servants for anything done before passing of Act.

16. All public servants are hereby indemnified for anything done before the passing of this Act, which might lawfully have been done if this Act had been in force; and no suit or other proceeding

shall be maintained against any such person in respect of anything so done.

VIII.—Duty on Coinage of Bullion.

Duty on produce of gold bullion.

17. A duty shall be levied at the rate of one rupee per cent. at the Mint on the produce of all gold bullion and on all gold coin.

Duty on produce of silver bullion.

18. All silver bullion or coin (not being struck at the Mint) which may be delivered into the Mint for coinage, shall be subject to a duty at the rate of two per cent. on the produce of such bullion or coin, and the amount of such duty shall be deducted from the return to be made to the proprietor.

Additional duty for coining half or quarter rupees.

19. Any person may have his silver bullion or coin converted into halves or quarters of a Government rupee on condition of paying a duty at the rate of one per cent. in addition to the duty of two per cent. imposed under section eighteen.

Certificate for produce of bullion.

20. The Mint Master, on the delivery of gold or silver bullion or coin into the Mint for coinage, shall grant to the proprietor a receipt which shall entitle him to a certificate from the Assay Master for the net produce of such bullion or coin payable at the General Treasury.

The Governor General in Council may, from time to time, determine by notification in the *Gazette of India* the period for which such certificates shall run.

Withdrawal of bullion.

21. The proprietor of any gold or silver bullion or coin so delivered for coinage, who is dissatisfied with the Assay Master's report of its value, may withdraw such bullion or coin without being subject to the duties on coinage imposed by this Act.

Equivalent for gold bullion equal to or better than standard.

22. For all gold bullion or coin, equal to, or better than, the standard prescribed for the gold mohur by this Act, which may be brought to the Mint for coinage, a number of gold mohurs coined under this Act, or Act No. XVII of 1835, or of the halves and quarters of such mohurs, equal, as nearly as may be, to the produce of such bullion, shall be returned to the proprietor after deducting the said duty of one per cent.

Charge for refining.

23. All gold bullion or coin inferior to the same standard, which may be brought to the Mint for coinage, shall, in addition to the same duty, be subject to such charge on account of the loss and expense of refining, together with such deduction on account of the inferiority of standard, as the Governor General of India in Council may, by notification in the *Gazette of India* from time to time, prescribe.

SCHEDULE.

Number and year of enactment.	Title or subject of enactment.
Bengal Regulation II of 1812.	A Regulation for levying a duty on the coinage of silver bullion and on the re-coinage of rupees, and other coins with certain exceptions at the Mints established at Calcutta, Furruckabad, and Benares; for defining the weight and standard of the Benares Rupee; for modifying the rates of duty at present levied in the coinage of gold bullion in the Mint of Calcutta; and also for establishing certain rules for the conduct of the business of the above-mentioned Mints, respectively.
Bengal Regulation XIV of 1818.	A Regulation for altering the standard of the Calcutta sicca Rupee and Gold Mohur, and for further modifying some of the rules in force respecting those coins.
Bengal Regulation V of 1819.	A Regulation for modifying certain parts of the rules in force in regard to the conduct of the business of the Mints subordinate to this presidency.
Act XVII of 1835 ...	Gold and silver coinage.
Act XIII of 1862 ...	An Act to provide for a new silver and a new copper coinage.

STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to make provision for defacing light-weight, counterfeit and called-in coin. This it proposes to do by three sections (13, 14 and 15), modelled on the Statutes 24 & 25 Vic., c. 95, s. 26, and 33 Vic., c. 10, s. 7.

The opportunity has been taken of consolidating the three Bengal Regulations (II of 1812, XIV of 1818, and V of 1819) and the two Acts (XVII of 1835 and XIII of 1862), in which the law relating to the Mint and the coinage of British India is now contained. The notification of 28th October 1868, as to receiving sovereigns and other gold pieces in payment of sums due to Government, has also been embodied in the Bill. The provisions as to the relative value of the old silver coins and as to contracts for payment of Calcutta sicca rupees, which are found in Act XVII of 1835, have been omitted as obsolete.

J. F. STEPHEN.

SIMLA;
The 24th May 1870.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, AUGUST 6, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th July 1870, and was referred to a Select Committee with instructions to make their report thereon in one month:—

No. 16 of 1870.

A Bill to consolidate and amend the law relating to Coinage and the Mint.

Preamble. Whereas it is expedient to consolidate and amend the law relating to coinage and the mint; It is hereby enacted as follows:—

I.—Preliminary.

Short title. **1.** This Act may be called "The Indian Coinage Act, 1870."

Repeal of enactments. **2.** The enactments specified in the Schedule hereto are repealed.

Interpretation clause. **3.** In this Act, the expression "Mint" includes the Mints at Calcutta, at Bombay and at such other places (if any) as the Governor General in Council shall, by notification in the *Gazette of India*, from time to time, direct.

II.—Gold coinage.

Gold coins. **4.** The under-mentioned gold coins only shall be coined at the Mint:—

(1.)—A gold mohur or fifteen-rupee piece.

(2.)—A five-rupee piece equal to a third of a gold mohur.

(3.)—A ten-rupee piece equal to two-thirds of a gold mohur.

(4.)—A thirty-rupee piece or a double gold mohur.

Their weight and standard. The weight of the said gold mohur shall be one hundred and eighty grains Troy, and the standard shall be as follows:—eleven-twelfths or one hundred and sixty-five grains of pure gold, and one-twelfth or fifteen grains of alloy.

The other gold coins shall be of proportionate weight and of the same standard.

III.—Silver Coinage.

Silver Coins. **5.** The under-mentioned silver coins only shall be coined at the Mint:—

(1.)—A rupee to be called the Government Rupee.

(2.)—A half rupee.

(3.)—A quarter rupee, or four-anna piece.

(4.)—An eighth of a rupee, or two-anna piece.

Their weight and standard. The weight of the Government Rupee shall be one hundred and eighty grains Troy, and the standard shall be as follows:—eleven-twelfths or one hundred and sixty-five grains of pure silver, and one-twelfth or fifteen grains of alloy.

The other silver coins shall be of proportionate weight and of the same standard.

IV.—Copper Coinage.

Copper Coins. **6.** The under-mentioned copper coins only shall be coined at the Mint:—

(1.)—A double pice or half anna.

(2.)—A pice or quarter anna.

(3.)—A half pice or one-eighth of an anna.

(4.)—A pie, being one-third of a pice or one-twelfth of an anna.

The copper coins so coined shall be respectively of the following weights:—

A double pice shall weigh two hundred grains Troy.

The pice shall weigh one hundred grains Troy.

The half pice shall weigh fifty grains Troy.

The pie shall weigh thirty-three and one-third grains Troy.

V.—Devices on Coins.

Present devices on coins.

7. Until the Governor General in Council shall otherwise order under the power hereinafter conferred, the gold, silver and copper coins coined under this Act shall bear on the obverse the likeness and the name of Her Majesty Queen Victoria, and the inscription "Victoria Queen," and on the reverse the designation of the coins in English filled by the word "India" with such date and embellishments on each coin as the Governor General in Council shall from time to time direct.

Power to order other devices.

8. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, direct the coining and issuing of all coins authorized by this Act, and prescribe in lieu of the likeness and inscription hereinbefore mentioned, such other likeness and inscription for all or any of the said coins as he shall think fit.

VI.—Legal Tender.

Gold coin not a legal tender.

9. No gold coin shall be a legal tender in payment or on account:

Proviso as to sums due to Government.

Provided that the coins mentioned in section four shall be received in all the treasuries of British India and its dependencies, in payment of sums due to the Government according to the values therein mentioned,

and that sovereigns and half sovereigns of current weight coined at any authorized Royal Mint in England or Australia shall be received in such treasuries in payment of sums so due as the equivalents of such sums respectively as the Governor General of India in Council shall, by notification in the *Gazette of India*, from time to time prescribe.

Silver coins a legal tender.

10. The said rupee and half rupee shall be a legal tender in payment or on account:

Provided that the coin shall not have lost more than two per cent. in weight; and provided it shall not have been chipped or filed, or have been defaced or diminished, otherwise than by use.

The quarter rupee and eighth of a rupee shall be legal tender only for the fractions of a rupee, subject to the provisions mentioned in this section.

Copper coin how to be legal tender.

11. The double pice shall be a legal tender for a thirty-second part of a rupee or for half an anna; the pice for a sixty-fourth part of a rupee or for one-fourth of an anna; the half pice for the one hundred and twenty-eighth part of a rupee or for one-eighth of an anna;

and the pie for an hundred and ninety-second part of a rupee or the twelfth of an anna:

Provided that none of the said copper coins shall be a legal tender, except for the fractions of a rupee.

Coin coined under former Acts still to be legal tender.

12. All silver coin of the weight and standard specified in the Acts No. XVII of 1835 and No. XXI of 1838, issued since the passing of those Acts, respectively, and before the first day of November 1862, and declared by those Acts, respectively, to be a legal tender,

and all copper coins of the weight specified in Acts No. XXI of 1835, No. XXII of 1844, and No. XVII of 1855, issued since the passing of those Acts, respectively, and before the first day of November 1862, and declared by these Acts, respectively, to be a legal tender,

shall continue to be a legal tender for the amounts thereof, respectively, subject to the same conditions and provisions as under those Acts, respectively, anything herein contained notwithstanding.

VII.—Diminished, Counterfeit, or Called-in Coin.

Defacing certain coins.

13. When any coin purporting to be coined and issued under the authority of the Government of India is tendered to any person being a public servant as defined by the Indian Penal Code, who has reason to believe it to be diminished whether by reasonable wearing or otherwise, or to be counterfeit, or to be called-in by any proclamation, he shall cut, break or deface such coin, or cause it to be cut, broken or defaced.

Loss of defaced coin.

14. If any coin so cut, broken or defaced has been diminished otherwise than by reasonable wearing, or is counterfeit, or has been called-in by a proclamation, the person tendering the same shall bear the loss thereof.

Receipt of defaced coin at rate.

But if it has been diminished only by reasonable wearing, or is of due weight, and has been coined and issued by the authority of the Government of India, and has not been called-in by any proclamation, the person cutting, breaking or defacing the same shall receive it at the rate it was coined for.

Adjudication of disputes by Police Magistrate, or by any person exercising magisterial powers.

15. Any dispute whether coin so cut, broken or defaced be diminished in manner aforesaid, or counterfeit, or called-in, shall be heard and finally determined, within the limits of the presidency towns by a Magistrate of Police, and, without those limits, by any person exercising powers not less than those of a subordinate Magistrate of the first class.

Indemnification of public servants for anything done before passing of Act.

16. All public servants are hereby indemnified for anything done before the passing of this Act, which might lawfully have been done if this Act had been in force; and no suit or other proceeding

shall be maintained against any such person in respect of anything so done.

VIII.—Duty on Coinage of Bullion.

Duty on produce of gold bullion.

17. A duty shall be levied at the rate of one rupee per cent. at the Mint on the produce of all gold bullion and on all gold coin.

Duty on produce of silver bullion.

18. All silver bullion or coin (not being struck at the Mint) which may be delivered into the Mint for coinage, shall be subject to a duty at the rate of two per cent. on the produce of such bullion or coin, and the amount of such duty shall be deducted from the return to be made to the proprietor.

Additional duty for coining half or quarter rupees.

19. Any person may have his silver bullion or coin converted into halves or quarters of a Government rupee on condition of paying a duty at the rate of one per cent. in addition to the duty of two per cent. imposed under section eighteen.

Certificate for produce of bullion.

20. The Mint Master, on the delivery of gold or silver bullion or coin into the Mint for coinage, shall grant to the proprietor a receipt which shall entitle him to a certificate from the Assay Master for the net produce of such bullion or coin payable at the General Treasury.

The Governor General in Council may, from time to time, determine by notification in the *Gazette of India* the period for which such certificates shall run.

Withdrawal of bullion.

21. The proprietor of any gold or silver bullion or coin so delivered for coinage, who is dissatisfied with the Assay Master's report of its value, may withdraw such bullion or coin without being subject to the duties on coinage imposed by this Act.

Equivalent for gold bullion equal to or better than standard.

22. For all gold bullion or coin, equal to, or better than, the standard prescribed for the gold mohur by this Act, which may be brought to the Mint for coinage, a number of gold mohurs coined under this Act, or Act No. XVII of 1835, or of the halves and quarters of such mohurs, equal, as nearly as may be, to the produce of such bullion, shall be returned to the proprietor after deducting the said duty of one per cent.

Charge for refining.

23. All gold bullion or coin inferior to the same standard, which may be brought to the Mint for coinage, shall, in addition to the same duty, be subject to such charge on account of the loss and expense of refining, together with such deduction on account of the inferiority of standard, as the Governor General of India in Council may, by notification in the *Gazette of India* from time to time, prescribe.

SCHEDULE.

Number and year of enactment.	Title or subject of enactment.
Bengal Regulation II of 1812.	A Regulation for levying a duty on the coinage of silver bullion and on the re-coinage of rupees, and other coins with certain exceptions at the Mints established at Calcutta, Furruckabad, and Benares; for defining the weight and standard of the Benares Rupee; for modifying the rates of duty at present levied in the coinage of gold bullion in the Mint of Calcutta; and also for establishing certain rules for the conduct of the business of the above-mentioned Mints, respectively.
Bengal Regulation XIV of 1818.	A Regulation for altering the standard of the Calcutta sicca Rupee and Gold Mohur, and for further modifying some of the rules in force respecting those coins.
Bengal Regulation V of 1819.	A Regulation for modifying certain parts of the rules in force in regard to the conduct of the business of the Mints subordinate to this presidency.
Act XVII of 1835 ...	Gold and silver coinage.
Act XIII of 1862 ...	An Act to provide for a new silver and a new copper coinage.

STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to make provision for defacing light-weight, counterfeit and called-in coin. This it proposes to do by three sections (13, 14 and 15), modelled on the Statutes 24 & 25 Vic., c. 95, s. 26, and 33 Vic., c. 10, s. 7.

The opportunity has been taken of consolidating the three Bengal Regulations (II of 1812, XIV of 1818, and V of 1819) and the two Acts (XVII of 1835 and XIII of 1862), in which the law relating to the Mint and the coinage of British India is now contained. The notification of 28th October 1868, as to receiving sovereigns and other gold pieces in payment of sums due to Government, has also been embodied in the Bill. The provisions as to the relative value of the old silver coins and as to contracts for payment of Calcutta sicca rupees, which are found in Act XVII of 1835, have been omitted as obsolete.

J. F. STEPHEN.

SIMLA;
The 24th May 1870.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd August 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 17 OF 1870.

A Bill for repealing certain enactments of the Bengal Code.

Whereas it is expedient that the enactments mentioned in the Schedules to this Act annexed, which have ceased to be in force otherwise than by express repeal, or have by change of circumstances become unnecessary, or which merely repeal previous enactments, should be expressly repealed; It is hereby enacted as follows:— Preamble.

1. The enactments mentioned in the first of the said Schedules are wholly repealed and the enactments mentioned in the second of the said Schedules are repealed to the extent specified therein: Extent of repeal.

Provided that such repeal shall not affect any Regulation or Act in which the repealed enactment has been applied, incorporated, or referred to;

And this Act shall not affect the validity or invalidity of anything already done or suffered, or any indemnity already granted, or any right, title, or interest already acquired or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing;

Nor shall this Act affect any principle or rule of law, or established jurisdiction, practice or procedure, or existing usage, custom, privilege or exemption, notwithstanding that the same may have been in any manner affirmed, recognized or derived by, in, or from, any enactment hereby repealed;

Nor shall this Act operate to revive any jurisdiction, office, usage, custom, privilege or exemption not now existing or in force.

2. Sections thirty-four to forty-four (both inclusive) of Bengal Regulation XIX. 1793, shall be read as if they applied to grants of land termed "Bádsháhí," as well as to the grants of land to which that Regulation refers. Amendment of Bengal Regulation XIX 1793, sections 34 to 44.

*** NOTE.—The edition of the Regulations referred to is that by Clarke, London, 1854.

SCHEDULE I.

Regulations wholly repealed.

No. and year of Regulation.	Title.
Regulation VI of 1793 ...	A Regulation for extending and defining the powers and duties of the Court of Sadr Díwání Adálat, and prescribing rules for receiving and deciding upon appeals from the Provincial Courts of Appeal.
Regulation XIII of 1793 ...	A Regulation for the Appointment of the Ministerial Officers of the Civil and Criminal Courts of Judicature, and prescribing their respective Duties.
Regulation XX of 1793 ...	A Regulation for empowering the Zila and City Courts, the Provincial Courts of Appeal and the Sadr Díwání Adálat and the Nizámat Adálat to propose Regulations regarding Matters coming within their Cognizance.
Regulation XXII of 1793 ...	A Regulation for re-enacting, with Alterations and Amendments, the Regulations passed by the Governor General in Council on the 7th December 1792, for the Establishment of an efficient Police throughout the Country.
Regulation XXVII of 1793 ...	A Regulation for re-enacting, with Alterations and Modifications, the Rules passed by the Governor General in Council on the 11th June and 28th July 1790, and subsequent Dates, for the Resumption and Abolition of the Sayer or internal Duties and Taxes throughout Bengal, Behar and Orissa, and for adjusting

SCHEDULE I,—*continued.*

No. and year of Regulation.	Title.
	and paying the Deductions and Compensations directed to be granted to the Proprietors and Farmers of Estates paying Revenue to Government and the Holders of Property exempt from the Payment of Revenue to Government on account of the Duties and Taxes abolished.
Regulation XLIII of 1793 ...	A Regulation for re-enacting, with Modifications, the Rules passed on the 25th February 1793, for granting Lands to invalided Native Officers and Private Soldiers.
Regulation XLIV of 1793 ...	A Regulation for prohibiting the fixing of the Jama of dependent taluqs, or granting Leases or Pattas for a term exceeding ten years; and in cases of Lands disposed of at public Sale for the Discharge of arrears of the public Revenue for rendering null and void all Engagements (with certain Exceptions) subsisting between the defaulting Proprietor and his dependant Taluqdárs, Under-farmers and Ryots for the Payment of Rent or Revenue on account of the Lands so sold.
Regulation II of 1795 ...	A Regulation for re-enacting, with Modifications and Amendments, the Rules regarding the temporary and permanent Settlements of the Revenue in the Province of Benares.
Regulation XLIII of 1795 ...	A Regulation for enacting into a Regulation the Rules passed on the 18th February 1789, and the 24th December 1790, for granting lands to discharged Native Invalid Officers and Private Soldiers in the Province of Benares.
Regulation LI of 1795 ...	A Regulation respecting ryotty Pattas in the Province of Benares.
Regulation III of 1796 ...	A Regulation for excluding from the Jurisdiction of the Court of Wards certain Descriptions of Landed Estates belonging to disqualified Landholders, and for declaring the Rules in Section V., Regulation XLIV. 1793, to extend to the cancelling wholly the Leases of those Under-farmers, a part only of the Land included in whose Leases may be sold for Arrears of Revenue.
Regulation IV of 1796 ...	A Regulation to provide for the occasional Absence of the Zila and City Judges and Magistrates in the Provinces of Bengal, Behar, Orissa and Benares from their respective Stations; and prescribing the Duties to be performed by the Registers of the Courts and the Assistants on such Occasions as well as in the Discharge of their official Functions.
Regulation II of 1797 ...	A Regulation for defining more specifically the Responsibility of the Landholders and Farmers of Land in the Province of Benares under the Charge of the Police vested in them conformably to their Engagements by Regulation XVII. 1795.

SCHEDULE I,—*continued.*

No. and year of Regulation.	Title.
Regulation VI of 1797 ...	A Regulation for abolishing Regulation XXIII. 1793, entitled "a Regulation for raising an Annual Fund for defraying the Expense of the Police Establishments entertained under Regulation XXII. 1793;" and for establishing new Fees on the Institution and Trial of Suits, in lieu of those prescribed by Regulation XXXVIII. 1795; and for levying a Stamp Duty on certain Law and other Papers and Documents, and a Percentage on the Fees of the authorized Pleaders in the Courts of Civil Judicature in the Provinces of Bengal, Behar, Orissa and Benares.
Regulation IX of 1799 ...	A Regulation for further providing against Resistance to the Processes of the Civil Courts in the cities of Dacca, Moorshedabad and Patna, as well as against Resistance to the Processes of the Civil Courts in general.
Regulation II of 1801 ...	A Regulation for the more speedy and effectual Administration of Justice in the Courts of Sadr Díwání and Nizámat Adálat.
Regulation VIII of 1803 ...	A Regulation for extending the Jurisdiction of the Nizámat Adálat to the Provinces ceded by the Nuwáb Vizier to the Hon'ble the English East India Company.
Regulation XXVI of 1803 ...	A Regulation prescribing Rules for the Sale and Division of Lands paying revenue to Government in the Provinces ceded by the Nuwáb Vizier to the Hon'ble the English East India Company.
Regulation XXXV of 1803 ...	A Regulation for the establishment of an efficient System of Police in the Provinces ceded by the Nuwáb Vizier to the Hon'ble the English East India Company.
Regulation XVII of 1805 ...	A Regulation for modifying the Rules contained in Regulation VIII. 1793, respecting the Management of joint undivided Estates.
Regulation X of 1806 ...	A Regulation for extending to the Judicial Department such Parts of Regulation VIII. 1806, as are applicable to Charges or Information against the European Public Officers employed in that Department, and for making further provision in such Cases.
Regulation XIV of 1807 ...	A Regulation for amending the System of Police established in the Province of Benares and in the Ceded and Conquered Provinces within the Divisions of Bareilly and Benares; also for extending to those Provinces the provisions contained in Regulation XII. 1807, for the Appointment of Amíns of Police.
Regulation IV of 1808 ...	A Regulation for the Appointment and Administration of the Office of Kanungo in the Ceded and Conquered Provinces, and in the Province of Benares.

SCHEDULE I,—*continued.*

No. and year of Regulation.	Title.
Regulation V of 1808 ...	A Regulation to explain and declare the Intent and Meaning of certain Clauses in the existing Regulations respecting the Settlement of the Land Revenue in the Ceded Provinces.
Regulation VII of 1808 ...	A Regulation for completing the Registers of Lands held free of Assessment in the Ceded and Conquered Provinces in the Dóáb and on the left Bank of the River Jumna and in the Territory ceded by His Highness the Peishwa to the British Government in Bundelcund.
Regulation XI of 1808 ...	A Regulation for the Adjustment of the Rent payable by the Heirs of invalid jágírdárs.
Regulation III of 1809 ...	A Regulation for the Support of the Police in the Cantonments and Military Bazaars; for defining the Powers of the Civil and Military Officers in the Performance of their Duty, and for fixing the Local Limits of the said Cantonments and Bazaars.
Regulation XIII of 1811 ...	A Regulation for the more convenient and efficient Discharge of the Duties of the Board of Revenue.
Regulation XIV of 1812 ...	A Regulation for modifying, in certain cases, the Rule contained in Section II., Regulation V. 1812, regarding the Grant of Leases by the Proprietors of Lands in the Ceded and Conquered Provinces to their Tenants.
Regulation I of 1815 ...	A Regulation for securing the Right of the British Government to assess land held under muqarrarí or istimrár grants of any preceding Government, on the Decease of the Holders thereof.
Regulation VI of 1817 ...	A Regulation to explain the Purport and Intent of the Provision contained in Section II., Regulation XXIV. 1803.
Regulation XIII of 1817 ...	A Regulation for establishing the Office of Kanungo in the District of Midnapúr and in the Mehálsubject to the Authority of the Collector of Hidgellee, and for extending to the said District and Mehálsthe operation of Regulation XII. 1817.
Regulation XVIII of 1817 ...	A Regulation to modify the Rules in Force which prescribe an Oath of Office to be taken by certain Native Officers; and to explain and amend other Provisions relative to the Native Ministerial Officers and Law Officers of the Civil and Criminal Courts.
Regulation XXIV of 1817 ...	A Regulation for modifying the Constitution of the Commission established in the Provinces of Behar and Benares, and in the Districts of Ramghur, Bhaugulpúr and Purneah; for extending the Authority of the said Commission to the Districts of Dinajpúr and Rangpúr, and for better defining the Powers to be exercised in certain cases by a single Member of the Board of Revenue or Commission vested with the Authority of that Board.
Regulation I of 1818 ...	A Regulation for establishing the Office of Kanungo in the Districts of the Twenty-four Parganas,—Nuddea, Jessore, Dacca, Jalalpúr and Backergunj;—and for extending to the said Districts the Operation of Regulation XII. 1817.
Regulation VII of 1818 ...	A Regulation for rescinding such Parts of the existing Regulations as relate to the Conduct of the Trade of Foreign Nations to the Ports and Settlements of the British Nation in the East Indies;

SCHEDULE I,—*concluded.*

No. and year of Regulation.	Title.
	and for better giving effect to a Regulation in that behalf enacted by the Honourable the Court of Directors of the United Company of Merchants of England trading to the East Indies.
Regulation I of 1819 ...	A Regulation for replacing the Districts of Dinajpúr and Rangpúr under the Management of the Board of Revenue; and for extending the Authority of the Board of Commissioners in Behar and Benares to the District of Goruckpúr; for re-establishing Kanungos and reforming the Office of Patwárí throughout the Province of Bengal; and for explaining and modifying certain Parts of Regulation XII. 1817.
Regulation IV of 1821 ...	A Regulation for authorizing a Collector of Land Revenue, or other Officer employed in the Management or Superintendence of any Branch of the Territorial Revenues, to exercise, in certain Cases, the Powers of Magistrate, or Joint Magistrate; and for authorizing a Magistrate or Joint Magistrate, or Assistant to a Magistrate, to exercise, in certain Cases, the Powers of a Collector of Land Revenue or of any other Officer employed in the Management or Superintendence of any Branch of the Territorial Revenues: also for explaining the Duties of an Assistant Collector of Revenue, and for defining the Duties and Powers vested in Assistant Collectors or other Officers appointed to the Charge of the Revenues of Parganas or other Local Divisions, or employed in the Performance of any Portion of the Functions ordinarily belonging to the Collector of Land Revenue.
Regulation II of 1822 ...	A Regulation for modifying certain Provisions in the existing Regulations relative to the Officers employed in the Collection of the Government Customs and Town Duties.
Regulation IX of 1826 ...	A Regulation for transferring the Superintendence of the Custom House at Patna from the Board of Revenue in the Central Provinces to the Board of Customs at the Presidency; and for vesting the latter Board with the Control of the other Customs in the Central and Western Provinces, and in the Province of Cuttack concurrently with the Central and Western Boards of Revenue or the Commissioner of Cuttack respectively.
Regulation I of 1827 ...	A Regulation for rescinding Regulation I. 1796, and providing a Special Form of Trial for the Mountaineers of Bhaugulpúr; also for investing the Magistrate of Bhaugulpúr with Summary Powers for the Adjustment of certain Civil Claims.
Regulation IX of 1828 ...	A Regulation for amending the Rules in Force in Regard to Special or Second Appeals, instituted *in Formâ Pauperis*.
Regulation II of 1830 ...	A Regulation for rescinding and re-enacting, with Modifications, the Provisions contained in Regulation VII. 1818, for regulating the Trade of Foreign Nations with the Ports and Settlements of the British Nation in the East Indies.
Regulation VII of 1832 ...	A Regulation for modifying certain of the Provisions of Regulation V. 1831, and for providing Supplementary Rules to that Enactment.
Act XXXIII of 1850 ...	An Act for amending the forms necessary for the sale of patní tenures in Bengal.

SCHEDULE II.

Regulations partly repealed.

No. and year of Regulation.	Title.	Extent of repeal.
Regulation II of 1793...	A Regulation for abolishing the Courts of Mâl Adálat or Revenue Courts, and transferring the trial of the suits which were cognizable in those Courts to the Courts of Díwání Adálat, and prescribing rules for the conduct of the Board of Revenue and the Collectors.	Section 1. Section 2. In section 4 the words "published in the manner directed in Regulation XLI of 1793." Section 8, clauses 11 and 12. So much of sections 9, 10, 14, 15, 16, 18 and 19 as relates to dewans. Sections 21 and 22. In section 24 the words "by a Regulation published in the manner directed in Regulation XLI of 1793, or." In section 27, from and including the words "and their sanction," down to the end of the section. Sections 30 and 31. In section 46, from and including the words "they are likewise prohibited," to the end of the section. Sections 47 and 48.
Regulation III of 1793	A Regulation for extending and defining the jurisdiction of the Courts of Díwání Adálat or Courts of Judicature for the trial of civil suits in the first instance, established in the several zilas, and in the cities of Patna, Dacca and Moorshedabad.	Section 1, and in sections 3, 5 and 6 the words "and city."
Regulation IV of 1793...	A Regulation for receiving, trying, and deciding suits or complaints declared cognizable in the Courts of Díwání Adálat established in the several zilas, and in the cities of Patna, Dacca and Moorshedabad.	In section 9 the words "the Provincial Courts of Appeal or." Sections 22 to 25, both inclusive.
Regulation VIII of 1793	A Regulation for re-enacting, with modifications and amendments, the rules for the decennial settlement of the public revenue payable from the lands of the zamíndars, independent taluqdárs, and other actual proprietors of land in Bengal, Behar and Orissa, passed for those Provinces respectively on the 18th September 1789, the 25th November 1789, and the 10th February 1790, and subsequent dates.	Sections 16, 17 and 18. In section 20 the words "and elect a joint manager under the restrictions hereafter mentioned." Sections 28, 29, and in section 35 from and including the words "those resolutions," down to the end of the section. Sections 42, 48, 61 and 67, except clause 5. Sections 68 to 99, both inclusive. Sections 100 and 101.
Regulation IX of 1793...	A Regulation for re-enacting, with alterations and modifica-	In section 3 the words "the special jurisdiction of the Magistrates of the cities of

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
	tions, the Regulations passed by the Governor General in Council on the 3rd December 1790 and subsequent dates, for the apprehension and trial of persons charged with crimes or misdemeanors.	Patna, Dacca and Moorshedabad is to extend throughout those cities, respectively, and the places adjacent that now are or may be subjected to their immediate authority" * * * * * * * * * (and in sixth and following lines) "that the special jurisdiction of the Magistrates of the zilas of Behar Proper, Dacca, Jelalpúr and Moorshedabad, be not held to extend to the cities of Patna, Dacca or Moorshedabad, nor to any places adjacent thereto which now are or may be included in the special jurisdiction of the Magistrates of those cities; and." Sections 66, 68, 69 and 70.
Regulation XI of 1793...	A Regulation for removing certain restrictions to the operation of the Hindú and Muhammadan laws, with regard to the inheritance of landed property, subject to the payment of revenue to Government.	In section 3 the words "in the manner directed in Regulation XXV, 1793." Section 4. Section 5, except the words "nothing contained in this Regulation is to be construed to" (in the first line), and in section 6, first line, the words "Nor to."
Regulation XIV of 1793	A Regulation for the recovery of arrears of the public revenue assessed upon the lands, from zamíndárs, independent talukdárs, and other actual proprietors of land, and farmers of land holding farms immediately of Government.	So much of sections 3, 4, 5, 6 and 8 as relates to the confinement of the person or attachment of the lands of defaulting proprietors paying revenue direct to the Collector. So much of sections 16, 19, 21, 29, 30, 31, 39 and 42 as relates to Provincial Courts of Appeal. In section 24, twelfth line, the words "have obtained the," and in thirteenth line "of the Governor General in Council for," also from and including "the Board of Revenue" in the thirty-fourth line, to close of same section. Sections 38 and 39. In section 45 from and including "be or reside" in second line, down to and including "shall" in fourteenth line. Section 46. In section 48 from and including "the confinement" in second line, down to and including "Nor" in fourth line.
Regulation XVIII of 1793.	A Regulation for preserving complete the records of the civil and criminal courts of judicature, and requiring the zila and city courts to transmit monthly reports of the suits decided by them to the Provincial Courts of Appeal, and directing the Provincial Courts of Appeal to submit monthly reports of the appeals and causes decided by them to the Sadr Diwání Adálat.	In section 1 from and including "and that the" in third line, down to and including "Adálat" in last line of the section. In section 2 from and including "and in" in second line, down to and including "circuit" in fourth line. In section 4, line six, the words "register and assistant to the," also "and cities" * * * and in the seventh and eighth lines "the Provincial Courts of Appeal and the Courts of Circuit, and."

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
		In section 8 the words "printed and published in the manner directed by Regulation XLI of 1793." In section 9 the words "and at the cities of Patna, Dacca and Moorshedabad."
Regulation XIX of 1793	A Regulation for re-enacting, with modifications, the rules passed by the Governor General in Council on the 1st December 1790, for trying the validity of the titles of persons holding or claiming a right to hold lands exempted from the payment of revenue to Government, under grants not being of the description of those termed Bádsháhí or Royal; and for determining the amount of the annual assessment to be imposed on lands so held, which may be adjudged or become liable to the payment of public revenue.	Section 18. Sections 24 to 26, both inclusive. Sections 29 to 33, both inclusive. So much of section 35 as relates to the Provincial Court of Appeal. Sections 45 and 46.
Regulation XXI of 1793	A Regulation for establishing in each zila an office for keeping the records in the Native languages which relate to the public revenue, and prescribing rules for the conduct of the keepers of the records.	Section 3, and in section 4 from and including the words "the accounts" in eighth line, down to the end of the section. In section 8 the words "printed and published in the manner specified in Regulation XLI. 1793."
Regulation XXIV of 1793.	A Regulation for re-enacting, with modifications, the Rules passed by the Governor General in Council on the 10th June 1791, for determining the continuance, or discontinuance of the pensions heretofore paid by the proprietors and farmers of land, but included in the jama or revenue payable to Government at the decennial settlement, and also of the pensions heretofore paid from the sayer abolished.	Sections 2, 3, 4, 5, 6, 7, 8 and 9, and in section 10 the words "on adjudging any pension not exceeding fifty sicca rupees per annum or" in the first and second lines; also in third line the words "on appeal," and in eighth line "by himself."
Regulation XXVI of 1793.	A Regulation for extending the term of minority of Muhammadan and Hindú proprietors of land paying revenue to Government to the expiration of the eighteenth year.	In section 3 from and including the words "for the management," to the end of the section.
Regulation XXXVII of 1793.	A Regulation for re-enacting, with modifications, the rules passed on the 23rd April 1788,	In section 2, clause 1, the words "to the satisfaction of the court," and in clause 2, fourth line, the words "to the satisfaction

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
	and subsequent dates, for trying the validity of the titles of persons holding, or claiming a right to hold, altumgah jágír, and other lands, exempt from the payment of public revenue, under grants termed Bádsháhí or Royal, and for determining when certain grants of that description shall be considered to have expired, and for fixing the amount of the public revenue to be assessed upon the lands, the grants for which may expire, or be adjudged invalid.	of the court in which the suit may be instituted in the first instance, or to which it may be appealed." Section 2, clause 2. Section 3, clause 2. In section 10 the words "and the suits which the Board of Revenue may direct the Collectors to institute" * * * * and "or prosecuted" in tenth line, also in nineteenth line the words "or carried on," in fifteenth and sixteenth lines "to the Provincial Court of Appeal or from the decision of the Provincial Court," in seventeenth and eighteenth lines "in the event of their ordering the cause to be appealed to the Provincial Court and of its being given against them therein," and in nineteenth line "in both cases." Section 13. Section 20. In section 23 from and including the words "and he will be liable to be sued," to end of section. Sections 24 to 41, both inclusive.
Regulation XXXVIII of 1793.	A Regulation for re-enacting, with modifications, such part of the rule passed on the 27th June 1787 as prohibits Covenanted Civil Servants of the Company employed in the administration of justice, or the collection of the public revenue, lending money to zamíndárs, independent talukdárs, or other actual proprietors of land, or dependent talukdárs, or farmers of land holding farms immediately of Government, or the under-farmers or ryots of the several descriptions of proprietors and farmers of land above-mentioned, or their respective sureties; and for re-enacting, with alterations, the existing rules prohibiting Europeans of any description holding possession of lands that may be mortgaged to them, or purchasing or renting lands for erecting houses or buildings, for carrying on manufactures or other purposes, without the sanction of the Governor General in Council.	In section 2 the words "and city" in first line, also the words "the Judges of the Provincial Courts of Appeal and the Courts of Circuit, and the Registers to their respective Courts."

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
Regulation XLVIII of 1793.	A Regulation for forming a quinquennial register of the landed estates in Bengal, Behar and Orissa, subject to the payment of revenue to Government, and of the amount of the fixed annual revenue payable to Government from each estate.	Section 15. In section 24, clause 2, the words "and city," also so much of sections 18 and 24 as relates to Provincial Courts of Appeal. Section 24, clause 7. Sections 25 and 28.
Regulation III of 1794...	A Regulation for exempting proprietors of land (with certain exceptions) from being confined for arrears of revenue, and for prescribing the process by which tahsíldárs are to demand payment of arrears; and for enabling the Collectors to recover from Native officers employed under them, public money or papers which they may embezzle or retain; and for expediting the trial of causes relating to the public revenue or the rents of individuals.	Section 8. Section 11. In section 14 the words "excepting the rules in the several sections of that Regulation which are rescinded by section XI." Sections 15 to 22, both inclusive.
Regulation I of 1795 ...	A Regulation for fixing in perpetuity the revenue assessed on the lands in the Province of Benares; for the more general restoration of the ancient zamíndars; and for extending to the Province of Benares the rules prescribed in Regulation XLI. 1793.	In section 3, clauses 3 and 4, the words "and printed and published in the manner prescribed in Regulation XLI. 1793;" and in clause 5 of the same section the words "which may be printed and published in the manner prescribed in Regulation XLI. 1793. In section 4 from the commencement down to and including "it is hereby declared that" (inclusive), and in the same line the word "such."
Regulation VI of 1795	A Regulation prescribing the process by which the Collector and the Tahsíldárs are to realize the public revenue payable from the lands in the Province of Benares.	So much of sections 3, 4, 5, 7, 8, 10, 11, 14, 15 and 16 as enforces the issue of process against the person of a defaulter on the occurrence of an arrear of revenue, or relates to the amount of talábána to be paid to peons for the service of process, or to the establishments to be entertained for such service. So much of sections 16, 23, 26 and 28 as relates to City Courts or Provincial Courts of Appeal. Sections 35 to 53, both inclusive.
Regulation VIII of 1795	A Regulation for extending to the Province of Benares, with alterations and modifications,	So much of section 10 as relates to the city and Provincial Courts.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
	Regulation IV, 1793, entitled "a Regulation for receiving, trying and deciding suits or complaints declared cognizable in the Courts of Diwáni Adálat established in the several zilas, and in the cities of Patna, Dacca and Moorshedabad;" and for exempting the Rájá of Benares and the Bábus of his family, and certain bankers when defendants, from giving the security required from other defendants.	
Regulation XV of 1795...	A Regulation for extending to the Province of Benares Regulation XVI. 1793, entitled "a Regulation for referring suits to arbitration and submitting certain cases to the decision of the Nazim," with the exception of section 10; and for referring certain cases to the decision of the Rájá of Benares.	In section 3, the words "or to the Provincial Court of Appeal."
Regulation LVIII of 1795.	A Regulation for granting to the Collectors a commission on the jama of lands which may be subjected to the payment of revenue under section 26, Regulation XIX. and section 21, Regulation XXXVII. 1793, and section 26, Regulation XLI. and section 21, Regulation XLII. 1795; and for determining on what amount such commission, and the commission granted to Collectors in cases of lands being adjudged liable to the payment of revenue in consequence of prosecutions, shall be calculated; and for requiring the zila and city courts in the four Provinces to transmit to the Collectors and the Board of Revenue copies of certain decrees in suits between individuals respecting the right to land exempted from the payment of revenue; and for defining of what decrees regarding malguzári land, the zila and city courts are to furnish the Collectors and the Board of Revenue with copies, under	Sections 1, 2 and 3.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
	section 9, Regulation IV, 1793, and section 4, Regulation VIII. 1795.	
Regulation XV of 1797	A Regulation for levying certain fees to defray the expense of the offices for keeping the records in the Native languages which relate to the public revenue, established under Regulations XXI. 1793, and XXX. 1795.	In section 2, clause 2, the words and figures "that may take place under Regulation XXV. 1793 or XXVI. 1795." In section 7, the words and figures "in Regulation XXV. 1793 or XXVI. 1795 (according to the Province in which the lands may be situated)."
Regulation I of 1799 ...	A Regulation for declaring a general freedom of trade in chunam and other articles on the frontier of Sylhet, subject to certain provisions.	In section 6 from and including "with this difference," to end of section. Section 7.
Regulation V of 1799...	A Regulation to limit the interference of the zila and city courts of Diwáni Adálat in the execution of wills and administration to the estates of persons dying intestate.	In section 2 the words and figures "in the form prescribed by Regulation XLI. 1793."
Regulation VII of 1799	A Regulation for enabling proprietors and farmers of land to realize their rents with greater punctuality; for providing against unnecessary delay in the payment of the public revenue assessed upon the lands; and for securing the ultimate recovery of arrears of revenue by sale of the landed property from which it may be due at the close of the year.	Section 22. Section 23, clause 8. In section 24 from and including "As however," in sixth line to end of section. Sections 29, 30 and 31.
Regulation II of 1800	A Regulation for laying open to public use the stone quarries at Chunar, Gházípúr, and Mirzapúr, in the Province of Benares, subject to a fixed duty.	In section 2 from and including the words "not being British-born subjects" down to and including "1793" in fifth line. In section 8 the words and figures "which are exempted from the customs by section X., Regulation III. 1795."

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
		Section 9. In section 10 from and including "and besides an oath" in third line down to and including "accounts" in ninth line. In section 12 the words "or the city of Benares" in the twenty-fourth line, and "of the city of Benares" in the thirty-third and thirty-fourth lines. Section 15.
Regulation V of 1800...	A Regulation for extending to the Province of Benares the rules contained in Regulation VII. 1799, for enabling proprietors and farmers of land to realize their rents with greater punctuality; as well as such other parts of the above Regulation as are applicable to the Province of Benares.	In section 23 the words "and City" in tenth line, also in thirty-seventh line from and including the words "As however" to the end of the section. In section 26 from and including the words "but a" in twelfth line, to the end of the section. Sections 27 and 28.
Regulation VIII of 1800	A Regulation for preparing a general pargana register of lands; and for certain alterations in the prescribed registers of estates paying revenue, and lands held exempt from the payment of revenue.	In section 18 the words "The officers so appointed, or who may be hereafter appointed, for the purposes specified in the preceding section, shall not be removeable without proof of misconduct, to the satisfaction of the Governor General in Council." Sections 16 to 19 (both inclusive). Section 22.
Regulation I of 1801 ...	A Regulation to explain and amend part of the rules for collecting the public revenue contained in Regulations VII, 1799, and V, 1800; to expedite the sale of lands for arrears of revenue; to limit the division of property by such sales; to explain and amend the rules contained in Regulation XXV, 1793 (extended to Benares by Regulation XXVI, 1795), for the division of joint estates, and allotment of the fixed assessment thereupon; and to fix a period for the operation of such part of Regulation VIII, 1793, as authorizes the separation of certain talúqs from the zamindaris to which they were attached at the time of the decennial settlement.	Section 9. The last sentence of section 14. In section 15 from and including the words "and, in like manner," to end of section.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
Regulation XXIV of 1803.	A Regulation for trying the validity of titles of persons receiving, or claiming a right to receive, pensions under the denominations of salehná, rozená, or any other description of grant in the Provinces ceded by the Nuwab Vizier to the Honourable the English East India Company.	Sections 4, 5, 17, 18 and 19.
Regulation XXX of 1803	A Regulation prescribing rules for the grant of pottas by the landholders in the Provinces ceded by the Nuwab Vizier to the Honourable the English East India Company, to their under-farmers, tenants, and ryots.	Sections 11 and 12.
Regulation I of 1804 ...	A Regulation for the better management of the invalid jaghírdar establishments, and of the invalid pension establishments.	Sections 1 to 19, both inclusive. Sections 21 and 27.
Regulation V of 1804...	A Regulation to provide for the appointment and removal of the Native officers of Government in the judicial, revenue, and commercial departments, and in the departments of salt, opium, and customs; also to make further provision for administering the oath prescribed by the Statute 33rd Geo. III, cap. 52.	Sections 2, 3 and 4. So much of section 5 as relates to Provincial or City Courts, the board of trade, and the commercial residents and agents, as also the words from "and to transmit," &c., in tenth line to end of section. Sections 6 and 7. So much of sections 8, 9 and 10 as relates to Provincial or City Courts, the board of trade, the commercial residents and agents, law officers and cauzies, or require any communication to be made to Government in regard to the appointment, removal, or resignation of any of the officers referred to in this Regulation. Sections 11, 12 and 13. So much of sections 14, 15, 16, 17, 18, 20, 21, 22 and 23 as relates to Provincial or City Courts, the Board of Trade, and the commercial residents and agents or departments. Sections 25 and 26.
Regulation X of 1804...	A Regulation for declaring the powers of the Governor General in Council to provide for the immediate punishment of certain offences against the State by the sentence of Courts Martial.	In sections 4 the words and figures "under Regulation IV. 1799, and Regulation XX. 1803."

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
Regulation XII of 1805	A Regulation for the settlement and collection of the public revenue in the zila of Cuttack, including the parganas of Puttespúr, Kummardichour, and Bograe, at present included in the zila of Midnapúr.	Sections 12, 13 and 14.
Regulation XIII of 1805	A Regulation for the maintenance of the peace and for the support and administration of the Police in the zila of Cuttack; and for amending certain provisions contained in Regulation IV. 1804.	Section 12. In section 13 the words and figures "and likewise such of the rules contained in Regulation IV., 1804, as are not either specifically or virtually rescinded by the present Regulation."
Regulation VI of 1806	A Regulation for the more effectual repair of embankments.	Sections 2, 3, 4, 5, 7 and 8. From the commencement of section 9 down to and including the word "and" in the seventh line. Section 10. In section 12, clause 2, from "the several committees" in fourth line, to the end of the clause; also clause 5.
Regulation XI of 1806	A Regulation for facilitating the progress of detachments of troops through the Company's territories; for affording any requisite assistance to persons travelling through those territories; and for extending the rules contained in sections 68 and 72, Regulation XXII. 1795, in clauses fifth and sixth, section 14, Regulation VIII. 1805, and in section 31 of that Regulation, to the whole of the Company's Provinces subject to the immediate Government of the Presidency of Fort William; for the guidance of the civil officers in applying for guards from the regular battalions; and for modifying the rule contained in clause 1, section 12, Regulation I. 1804.	Sections 9 to 19, both inclusive.
Regulation XVII of 1806.	A Regulation for extending to the Province of Benares the rates of interest on future loans, and provisions relative thereto contained in Regulation XV. 1793; also for a	In section 1 from and including the words "As however," down to and including the word "Presidency" in the fifteenth line. Sections 2, 3, 4, 5 and 6.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
	general extension of the period fixed by Regulation I, 1798, and XXXIV. 1803, for the redemption of mortgages and conditional sales of land under deeds of bye-bil-wuffa kut-cubaleh, or other similar designation.	
Regulation XXI of 1806	A Regulation for making certain alterations in the office of tahsíldár in the Province of Benares, and in the Ceded and Conquered Provinces, on the death, resignation, or removal of any persons by whom those offices are at present held.	In section 2 from and including the words "The Magistrate of," to the end of the section. In sections 2 and 3 the words "both as receivers of the public revenue and as officers of police." Section 5.
Regulation XXII of 1806.	A Regulation for modifying the rules hitherto observed in the admission and payment of claims to pensions.	Section 1. In section 2 the words "to the Honourable Company" in line 2, and in line 5 the word "sicca."
Regulation VII of 1807	A Regulation for making certain alterations in the provisions which have hitherto been in force in the Province of Benares, respecting persons paying or wishing to pay, their revenue directly to the Treasury or the Collector, instead of paying it through the medium of a tahsíldár.	Section 2. So much of section 5 as has not been repealed.
Regulation VIII of 1809	A Regulation for modifying parts of the rules in force respecting the appointment and removal of the Native officers of Government in the judicial, revenue, and commercial departments.	So much of sections 1 and 2 as relates to the Provincial or City Courts of Appeal, the Board of Trade, and the commercial residents and agents or departments, as well as the law officers and cauzies. Section 5, clauses 1, 2, 3 and 4. Sections 6 and 7. In section 10 the words "and commercial," also clause 2; in clause 3, sixth line, the words "and Board of Commissioners," in same line from and including the words "in like manner" to the end of the clause; in clause 4 the words "commercial residents and agents;" in clause 5 the words "the commercial residents and agents," also in same clause from and including the words "provided that" to the end of the clause. Sections 11 and 12.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
Regulation VI of 1810	A Regulation for defining the penalties to which zamíndárs and others shall be subject for neglecting to give due information of robberies, and for harbouring robbers.	Section 6.
Regulation XVI of 1810	A Regulation to amend the existing rules for the appointment of zila and city Magistrates; to provide for the appointment of Joint and Assistant Magistrates; and to alter the provisions in force for the payment of a fixed reward on the conviction of public offenders.	In section 1 from the beginning down to and including the word "Magistrate" in sixth line, the word "also" in same line; in thirteenth line from and including the words "and to obviate" down to and including "conviction" in sixteenth line; in the eighteenth and nineteenth lines the words "when no specific reward may have been offered for the performance of such service." The whole of section 2, except the following words in the second clause:—"Whenever it is considered expedient to appoint a person to hold the office of Magistrate, the Governor General in Council will make such appointment." In section 3 from commencement down to and including the word "that" at the end of the fourth line, and the words "as heretofore" in sixth line. Sections 11 to 15, both inclusive.
Regulation XX of 1810	A Regulation for subjecting persons attached to the military establishments to martial law in certain cases, and for the better government of the retainers and dependants of the army receiving public pay on fixed establishments, and of persons seeking a livelihood by supplying the troops in garrison, cantonment, and station military bazaars, or attached to bazaars of corps.	Section 1. In section 3 the words "second article of the twenty-fourth section of His Majesty's, or the second article of the fifteenth section of the Honourable Company's." Section 5. In section 20 from and including the words "in the meantime" in the sixteenth line to the end of the section.
Regulation II of 1811	A Regulation for amending the existing rules for the support of invalid Native commissioned and non-commissioned officers.	Sections 1 and 2.
Regulation XI of 1811...	A Regulation for extending the period fixed by the existing Regulations for revising the jama on lands ordered to be divided into two or more estates.	Section 2. In section 4, clauses 1 and 2, the words "or Board of Commissioners."

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
Regulation III of 1812	A Regulation for amending some of the rules at present in force in regard to the conduct of enquiries into charges of a criminal nature, and for establishing additional provisions with a view to the more effectual apprehension of criminals.	In section 1 from commencement down to and including the word "and" in seventh line, and from and including the words "it being" in tenth line, down to and including "Police" in seventeenth line. Sections 5 and 7. In section 9, clauses 1 and 2, and from commencement of clause 3, down to and including the word "it" in third line of that clause; also clauses 7 and 8.
Regulation V of 1812...	A Regulation for amending some of the rules at present in force for the collection of the land revenue.	In section 1 from and including the words "and also" in third line, down to and including the word "interest" in fifteenth line. In section 2 from commencement down to and including the word "and" in fifth line. In section 3 from commencement down to and including the word "the" in sixth line. Sections 24, 25, 26 and 27.
Regulation IX of 1812	A Regulation for modifying some of the rules before enacted regarding the settlement of the Ceded Provinces.	Section 2. In sections 4 and 5 the words "of Commissioners."
Regulation X of 1812	A Regulation for modifying some of the rules before enacted regarding the settlement of the Conquered Provinces lying on the right and left banks of the River Jumna of the Territory Ceded by His Highness the Peishwa in Bundlecund, and of the District of Cuttack.	Section 2. In sections 4 and 5 the words "of Commissioners."
Regulation XI of 1812	A Regulation to empower the Governor General in Council to order the removal of emigrants from foreign countries, and their descendants from any	In section 1 from the commencement down to and including "and" in eleventh line, and the words "in consequence" in same line; also the words "the said bodies of" in thirteenth line, and the words "from

SCHEDULE II,—*continued.*

No and year of Regulation.	Title.	Extent of repeal.
	place in the vicinity of the frontier of the State from which they may have emigrated; and, in certain cases to place and detain any such persons in safe custody; and likewise to provide for the trial of emigrants and their descendants who may excite disturbances in the countries from which they may have emigrated, and of persons aiding them in the prosecution of such attempts.	the frontiers of the territory of Arracan" in the same line. In section 2 the words "from Arracan or emigrants from any other State."
Regulation XVIII of 1812	A Regulation for explaining section 2, Regulation V, 1812, and rescinding sections 3 and 4, Regulation XLIV, 1793, and sections 3 and 4, Regulation L. 1795, and enacting other rules in lieu thereof.	Section 1, and first clause of section 3.
Regulation II of 1813...	A Regulation for preventing Native officers from making use of public money entrusted to their care.	Sections 3 and 4.
Regulation XI of 1813	A Regulation for modifying some of the rules before established respecting the payment of pensions, and for preventing the abuses committed in the receipt of pensions.	Section 2, and first clause of section 3. In clause 2, section 3, the words "likewise" in first line and "said" in second line. Section 5. In section 6, the words or "Board of Commissioners."
Regulation XIX of 1814	A Regulation for reducing to one Regulation, with alterations and additions, certain Regulations respecting the partition of estates paying revenue to Government.	So much of sections 1, 4, 17, 19, 20, 21, 27, 30, 32 and 35 as refers to the Board of Commissioners. Section 2. Section 23.
Regulation XXI of 1814	A Regulation for preventing the zila and city Judges and Collectors of the public revenue from employing their Native creditors on their respective establishments.	In section 2 the following words in third and fourth lines "of salt or," in sixth line "and trade of the Board of Commissioners," and in seventh line "appeal and."

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
Regulation XI of 1816	A Regulation for receivng, trying, and deciding claims to the right of inheritance or succession in certain tributary estates in zila Cuttack.	Sections 4, 6, 9 and 10. In section 12 the words and figure "under section X."
Regulation XVII of 1816	A Regulation for the occasional revision of the regular police and jail establishments; for the due support and regulation of the establishments of chaukídárs; for amending the rules in force for the appointment and removal of police officers; for modifying the constitution of the offices of the Superintendents of Police; and for reducing the miscellaneous business of Courts of Circuit, and Court of Nizámat Adálat.	In the second line of section 1 the words "and jail." In seventh and eighth lines of same section the words the figures "on the principles of the provisions of Regulation XIII. 1813." In section 2, clause 1, the words "or jail guards," and in clause 2 of same section the words "and jail;" in section 3, the words "or jail." In section 4 the words "on the principles of the provisions of Regulation XIII. 1813." Sections 6, 7 and the unrepealed clauses of section 8. Section 14. In section 16 from and including the words "and Board" to the end of the section. Section 17, clauses 4 and 5. Section 18. Section 20.
Regulation V of 1817...	A Regulation for declaring the rights of Government and of individuals with respect to hidden treasure, and for prescribing the rules to be observed on the discovery of such treasure.	In section 2 the word "sicca." In section 5 the following words:—"of Commissioners, or the Commissioners in Behar and Benares, or the Board of" * * * * in second and third lines, "in conformity with the foregoing provision" in the fourth line, and "pursuant to the prescribed notification" in the seventh line. In section 6 the words "within the period limited by the notification directed in section IV. of this Regulation," and the word "sicca" in the sixth line of this section, and the second and fifth lines of section 7. In sections 6, 8 and 9 the words "or city." In section 8 the words "or the Board of Commissioners in the Western Provinces, or the Commissioners in Behar and Benares." In section 9 the words "to the Provincial Courts." Section 10.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
Regulation XII of 1817	A Regulation for securing the better administration of the office of patwárí in the Ceded and Conquered Provinces, the Provinces of Behar and Benares, the District of Cuttack, the Pargana of Puttaspúr, and its dependencies.	Section 2. In section 8 the words "the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be," and in the eighth line "or Commissioner." In section 11 the words "the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be." In section 13 the words "the Board of Commissioners, or the Commissioner in Behar and Benares." In section 15 the words "the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be." In section 16 the words "the Board of Commissioners, or the Commissioner in Behar and Benares." In section 17 the words "Board of Commissioners, or Commissioner in Behar and Benares." Sections 26, 27, 28 and 30. In section 31 the words "the Board of Commissioners, or the Commissioner in Behar and Benares, according as he may be subject to one or the other of those authorities, * * *" also in same section the words "and Commissioner aforesaid." In section 32 from and including the words "and if" in fourth line to end of the section. In section 33 the words "the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be," also in thirteenth line the words "or Commissioner." In fourteenth and fifteenth lines, figures and word "XXVI. and XXVII.," and from and including the words "and the" in the fifteenth line to the end of the section. In section 35 the words "the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be," and in fifth line the words "or Commissioner."
Regulation XVI of 1817	A Regulation for imposing a duty on foreign opium imported by sea into any port or place within the limits of the territories immediately dependent on the Presidency of Fort William.	In section 1 the words "with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India."
Regulation XX of 1817	A Regulation for reducing into one Regulation, with amendments and modifications, the	Sections 2 and 3.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
	several rules which have been passed for the guidance of darogás and other subordinate officers of Police; for modifying the existing rules concerning the resistance or evasion of criminal process; and for requiring further aid to the Police in certain cases, from proprietors and farmers of land and their local managers, as well as from the munduls and other heads of villages.	In section 4, clause 4, the words and figures "in pursuance of sections VI. and VII. Regulation X. 1808, sections VIII. XI. and XII. Regulation XVI. 1810, and section XI. Regulation XVII. 1816." In section 5, clause 2, from and including the words "they shall" in the fifth line to the end of the clause. In section 10, clause 8, the words "by the Native commissioners for the trial of civil suits," and in last line of same clause the words "to the Native commissioners." In section 21, clause 10, from and including the words "Any head man," &c., in twelfth line to the end of the clause. In section 28, clause 2, the words and figures "as directed in section XXIV. Regulation X. 1813." In section 29, the following words:—"weaver," "molungee," "engaged in the provision of the Company's investment, or," "commercial," "commercial resident, salt or," "aurungee" or "chokí," "or any other manufacturer, or any," wherever they occur in the first four clauses of this section; also the whole of the fifth, sixth, seventh and eighth clauses of the same section. Section 30, clauses 2 and 3, section 31, the 3rd clause of section 33, and the unrepealed forms appended to this Regulation.
Regulation III of 1818	A Regulation for the confinement of State prisoners.	In section 9 the words "to the Provincial Court of Appeal and Circuit."
Regulation II of 1819...	A Regulation for modifying the provisions contained in the existing Regulations regarding the resumption of the revenue of lands held free of assessment under illegal or invalid tenures and for defining the right of Government to the revenue of lands not included within the limits of estates for which a settlement has been made.	Section 2. Section 3, clause 2. Sections 5, 6, 8, 10 and 11. Sections 12 and 14. Section 13, clause 3. In section 19 from and including the word "conformably" in the fourth line to the end of the section. In section 20 the words "in a Persian rúbakárí," and in the seventh line "aforesaid." In section 21 the words "in a Persian rúbakárí." Sections 22 to 28, both inclusive.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
		In section 29 the words "subject to an appeal to the Courts of Judicature in the manner prescribed by this Regulation in cases in which the Board may direct the assessment of land held free of assessment." In section 30, clause 1, the words "and the petition shall be written on stamped paper of the value prescribed for petitions of plaint in suits instituted in those courts;" also in clause 7 the words "by a petition written on stamped paper of the value of one rupee."
Regulation VI of 1819	A Regulation for rescinding Regulation XIX, 1816, and for enacting other provisions in lieu thereof.	Section 2 from the beginning down to and including "specified" in the first line of the second clause. In section 10 the words and figures "by section VII. Regulation XVIII. 1817."
Regulation VIII of 1819	A Regulation to declare the validity of certain tenures, and to define the relative rights of zamíndárs and patní taluqdárs; also to establish a process for the sale of such taluqs in satisfaction of the zamíndár's demand of rent, and to explain and modify other parts of the system established for the collection of rents generally throughout Bengal.	In section 3, clause 3, the words and figures "under the rule contained in the seventh clause of section XV. Regulation VII. 1799, for leases conveying a limited interest in the land." In section 8, clause 2, the words "to the Civil Court of the district, and a similar one." In section 9 from and including the words "by the register," down to and including "situated" in the fifth line. In section 15, clause 2, the words and figures "brought under the provisions of section XV. Regulation VII. 1799," and "under the rules of Regulation V. 1812." In section 17, clause 7, the words "the court" in fifth line, and "under the seal of the court" in the seventh and twelfth lines.
Regulation I of 1820 ...	A Regulation for providing that all sales of certain talúqs made answerable by sale of arrears of the zamíndár's rent shall be conducted in the mode prescribed by Regulation VIII. 1819, for the sales therein described.	In section 2 the words "by the Register or Acting Register of the zila or city court, or, in his absence, by the person in charge of the office of Judge of the District."
Regulation III of 1820	A Regulation for rescinding some of the provisions of Regulation XI. 1806, and for preventing the practice of pressing coolies or begárís.	Section 2. In section 3 the words "and consistent with the powers vested in the Magistrates by the general Regulations."
Regulation III of 1822	A Regulation for modifying the constitution and altering the jurisdiction of the several Boards vested with the superintendence of the land revenue, in the territories belonging to the Presidency of Fort William.	Sections 1, 2 and 3 and clauses 2 and 3 of section 4, and the word 'said' in clause 1 of the same section.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
Regulation VII of 1822	A Regulation for declaring the principles according to which the settlement of the land revenue in the Ceded and Conquered Provinces, including Cuttack, Puttaspúr and its dependencies, is to be hereafter made, and the powers and duties belonging to Collectors or other officers employed in making, revising, or superintending settlements; for continuing, with certain exceptions, the existing leases within the said Provinces for a further term of five years; for defining, settling, and recording the rights and obligations of various classes and persons possessing an interest in the land, or in the rent or produce thereof; and for vesting the revenue authorities with judicial cognizance in certain cases of suits and claims relating to land, the rent, and produce of land.	Section 5, clause 1. In sections 5, 6, 7, 12 and 17 the words "of Commissioners." In sections 15 and 16 the words "or provincial." Section 27, the second clause of section 28, and the following words in the fifth clause of same section:—"and shall be rendered in a Persian rúbakárí written on stamped paper of the value of two rupees." In section 30 the words "or Provincial Court of the division." In section 35 the words "or Board of Commissioners."
Regulation VI of 1823	A Regulation for authorizing the institution of summary suits to enforce the execution of certain written engagements for the cultivation and delivery of the indigo plant, and for declaring certain principles in regard to the same.	In section 1, and clause 7 of section 3, the words and figures "under the provisions of Regulation XX. 1812." In section 3, also in clause 1, the words "or to a Register exercising the powers of Joint Magistrate." In section 6 from and including "they shall," in third line to the end of the sixth line, and the words "passed by those officers respectively" in seventh and eighth lines. In section 7 the words and figures "under the rules of section 11, Regulation I. 1814."
Regulation VII of 1823	A Regulation for prohibiting loans by Covenanted Civil Servants from persons subject to their official authority and influence.	Section 2, clause 3, and section 5. In section 6 the words "in like manner" in the first line. In section 8 the words "Provincial" and "by the Provincial Courts."
Regulation XI of 1824	A Regulation for empowering the zila and city Judges and Magistrates to depute their Registers or Assistants for the purpose of making local investigations in certain cases.	In section 1 from commencement down to and including the word "But" in fifth line, also "zila and city Judges and," "and Registers" in sixth line. In section 2 the words "zila or city Judge or" in first line, "register" in second

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
		line, "matter connected with a depending civil suit or" in seventh line, "instead of a Native amín or the employment of the local munsif or police officer" in ninth and tenth lines, and "zila or city Judge or" in eleventh line of the same section. In section 3 the words "in a civil suit or" in second and third lines, the words "Díwání or" in fifth line, and "Judge or" in fifth and thirteenth lines. Sections 4, 5 and 6.
Regulation VI of 1825	A Regulation for rendering more effectual the rules in force relative to supplies and preparations for troops proceeding through the British territories.	In section 5 the words "on the stamped paper prescribed for other appeals to the Revenue Boards."
Regulation VIII of 1825	A Regulation to make further provision for the employment of Native officers in the Judicial Department, and to provide for the punishment of false and malicious charges against the European officers of Government.	In section 1 the words and figures "contained in Regulations II. 1793, V. 1795, and XXV. 1803." And from and including the words "and whereas" in tenth line down to and including "noticed" in eighteenth line of the same section. Section 3. In section 4 the words "which may be submitted to the Provincial Courts of Appeal and Circuit," and from and including the words "and it will" in the eighth line to the end of the section.
Regulation IX of 1825	A Regulation for extending the operation of Regulation VII. 1822; for authorizing the revenue authorities to let in farm estates under temporary leases, on the default of the málguzárs, or to hold the same khás for a term of years; for modifying and adding to the rules contained in Regulation II. 1819; and for making certain other amendments in the existing Regulations.	In section 5, clause 10, from the commencement down to and including the word "but" in fourth line.
Regulation XIV of 1825	A Regulation to declare the extent of the authority possessed by the revenue authorities subordinate to the Governor General in Council, in the confirmation of lakhiraj tenures; to define the principles to be followed in determining on the force and validity of grants made by persons exercising authority in different quarters previously to the acquisition of the country by	Sections 1, 5 and 6.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
	the British Government; and to provide for the due application of the general Laws and Regulations respecting lands held free of assessment, to the territory ceded by Govind Rao to the British Government, and annexed to the zila of Bundlecund, under the provisions of Regulation II, 1818.	
Regulation XX of 1825	A Regulation for declaring the jurisdiction of the Military Courts Martial and Courts of Requests, constituted by a recent Act of Parliament, and for modifying some parts of the existing Regulations in conformity thereto.	In section 2 from the commencement down to and including the words "provided that" in second line and in line 9 the words "or of the Hon'ble East India Company," and in section 4 the words "under the provisions of Regulation L. 1803."
Regulation III of 1827	A Regulation for modifying and amending the rules in force relative to the law officers and ministerial Native officers of the Courts of Judicature, who may be guilty of corruption or extortion.	Section 2. In section 3 the words "or any Hindú or Muhammadan law officer." In section 4 the words "law officer or" in first line, the word "such" in third line, and the words and figures "as laid down in clause 2, section 6, Regulation XVIII. 1817," in third and fourth lines. In section 5 the words "on the stamp paper prescribed for miscellaneous petitions." In section 6 the words and figures "by the process described in section VII. Regulation XVIII. 1817."
Regulation III of 1828	A Regulation for the appointment of special Commissioners for the more speedy hearing and determination of appeals from the decisions of the revenue authorities in regard to lands or rents occupied or collected by individuals, without payment of the revenue demandable by Government, under the general law of the country, and for otherwise more effectually securing the realization of the public dues.	In section 2, clause 3, the words "provincial and." In section 4, clause 1, the words "in a Persian rúbakárí." In section 6, clause 4, the words "the Provincial Courts or" In section 7, clause 2, the words "Provincial Courts, and." In section 10, clause 4, the following words and figures:—"the Provincial Courts or" in third and fourth lines, "or the provincial" in fifth line, "respectively in cases of the nature described and specially provided for in section VI., Regulation XIV. 1825," in fifth, sixth and seventh lines; also in seventh line the words "by those tribunals," and the whole of the fifth clause of this section. In section 11 the words "or city." Clauses six and seven of section 6. Rules of practice appended to this Regulation.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
		Section 13. In section 14 from and including the word "but," to end of section. In section 15 the words "the reply to be filed to the grounds of appeal is to be written on stamped paper, value one rupee and." In section 16 the words "and such pleading shall be written on stamped paper, value one rupee." Section 17. In section 18 from and including the words "but when admitted," &c., to the end of the section. Section 20. In section 27 the words "which may be written on unstamped paper." In section 33 the words "on plain or stamped paper."
Regulation IV of 1828	A Regulation to declare and extend the powers to be exercised by Collectors, when making or revising settlements, under the provisions of Regulation VII, 1822.	In section 1 the words "and that the jurisdiction of the said officers should not be barred by summary decisions passed by Magistrates under the rules of Regulation XV. 1824." In section 2, clause 4, in line 1, the word 'fourth;' from and including the words "during the aforesaid," down to and including the words "the like. And."
Regulation VII of 1828	A Regulation for amending the provisions of Regulation XV, 1795, and for defining the authority of the Rájá of Benares in the mehals therein referred to.	In section 21 the words "shall be guided by the rules contained in Regulation XXIII. 1814, and in points not expressly provided for in that Regulation they." Section 22.
Regulation I of 1829	A Regulation for constituting Commissioners of Revenue and Circuit; for establishing a Sadr Board of Revenue; for modifying the constitution of the Provincial Courts; for transferring to the said Commissioners the functions now exercised by the Superintendents of Police, and those of the Mofussil Special Commissioners, acting under the provisions of Regulation I. 1821; and otherwise for providing for the better administration of civil and criminal justice.	Section 3, except in so far as it constructively vests in Commissioners of Circuit powers of control over the appointment and removal of the ministerial officers subordinate to Magistrates. Section 5, clause 1, and in clause 2, from commencement down to and including the word "that" in fifth line. Sections 7, 8, 9 and 10.
Regulation III of 1829	A Regulation for abolishing certain official designations amongst the Judges of the Courts of Sadr Díwání and Nizámat Adálat, and of the Provincial Courts; for amending	In section 6 the second sentence.

SCHEDULE II,—*concluded.*

No. and year of Regulation.	Title.	Extent of repeal.
	the rules at present in force, which require the Judges of the Courts of Sadr Díwání and Nizámat Adálat, or other public officers, to take the prescribed oaths of office before the Governor General in Council; for providing for the decision of civil suits and appeals in the Provincial Courts in certain cases; for amending Regulation VIII, 1825; and for discontinuing the offices of Hindú and Muhammadan law officer in the Provincial Courts.	
Regulation IV of 1829	A Regulation for modifying, in certain cases, the rules laid down in clauses 4th and 5th, section 2, Regulation III. 1828, relative to appeals to the Special Commissioners appointed under that Regulation; also for modifying part of clause 2nd, section 10, Regulation I. 1829.	In section 2, clause 1, the words "or of a Provincial Court."
Regulation XI of 1829	A Regulation for modifying the rules in force relative to the construction and repair of embankments.	Section 2, clause 1.
Regulation V of 1830	A Regulation for amending the provisions of Regulation VI. 1823, and for providing more effectually for enforcing the execution of contracts relating to the cultivation and delivery of indigo plant.	Section 1.
Regulation XI of 1831	A Regulation for vesting tahsíldárs in certain cases with the powers of Police officers.	Section 8.
Regulation IX of 1833	A Regulation to modify certain portions of Regulation VII of 1822, and Regulation IV of 1828; to provide for the more speedy and satisfactory decision of judicial questions cognizable by officers of revenue employed in making settlements under the above Regulations; for enforcing the production of the village accounts; for the more extensive employment of Native agency in the Revenue Department; and to declare the intent of section 5, Regulation VII of 1822, touching claims to malikana.	Sections 2, 3 and 4.

STATEMENT OF OBJECTS AND REASONS.

IT is an essential part of the scheme for effecting a complete consolidation of the existing enactments that all inoperative provisions and unnecessary matter therein contained should first be expunged.

This has already been accomplished as regards the Acts of the Governor General in Council, extending from the year 1834 up to the present time, by Acts VIII of 1868 and XIV of 1870.

The sifting process has likewise been applied more or less effectively by the local Legislatures to the Regulations of the Madras and Bombay Codes, and they have now been reduced to very moderate proportions.

But the Bengal Code, notwithstanding the reductions effected by various repealing enactments, still contains several Regulations which are wholly obsolete or practically useless, and many others which embrace provisions so far modified, as to be virtually superseded by later enactments, as well as numerous references to abolished courts and offices, or expired customs and usages, all of which needlessly swell the bulk of the existing law.

The object of this Bill is to get rid of all such useless matter by express repeal, and thus clear the way for the consolidation of such of the remaining operative Regulations or parts thereof as are capable of being re-enacted in an abridged form.

SIMLA; *The 20th July* 1870. } F. R. COCKERELL.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd August 1870, and was referred to a Select Committee with instructions to make their report thereon in a fortnight:—

No. 18 OF 1870.

A Bill to confirm certain laws affecting European British subjects.

WHEREAS the Governors of the Presidencies of Fort St. George and Bombay in Council, and the Lieutenant-Governor of Bengal in Council have severally passed divers Acts purporting to apply generally to all persons within the local extent of the said Acts; and whereas doubts have been raised as to the validity of such Acts in so far as they affect to render European British subjects liable to be convicted and punished by tribunals other than the High Courts of Judicature at Fort William, Madras and Bombay: For the purpose of removing such doubts it is hereby enacted as follows:— Preamble.

1. Every such Act shall, so far as regards the liability of European British subjects to be convicted and punished thereunder, be and be deemed to have been as valid as if it had been passed by the Governor General of India in Council at a meeting for the purpose of making Laws and Regulations. Confirmation of local Acts so far as regards European British subjects.

2. Nothing in this Act shall be taken to authorize a Magistrate to exceed the limits of his ordinary jurisdiction as to the amount of punishment which he may inflict, or to confer jurisdiction on any Magistrate not being a Justice of the Peace. Saving of limits of Magistrates' ordinary jurisdiction.

3. All Magistrates and other persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had been then in force; and no suit or other proceeding shall be maintained against any such Magistrate or other person in respect of anything so done. Indemnity-clause.

STATEMENT OF OBJECTS AND REASONS.

THE High Court at Bombay has recently decided that it has exclusive criminal jurisdiction over European British subjects, and that the local legislature has no power to make laws affecting that jurisdiction.

Assuming this decision to be correct, it follows that the local Municipal, Police and Prison Acts are, so far as regards European British subjects, null and void, and that the only possible mode of punishing these persons for a breach of any such Act is by indictment in the High Court.

This being obviously inexpedient, the present Bill confirms all such local Acts, so far as regards the liability of European British subjects to be convicted and punished thereunder. It also saves the limits of the Magistrates' ordinary jurisdiction, and indemnifies Magistrates for their action heretofore.

J. F. STEPHEN.

SIMLA; *The 18th July* 1870. }

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, AUGUST 13, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

[redacted]into the Council of the Governor General for making [redacted]egulations, or published under Rule 19.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd August 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 17 OF 1870.

A Bill for repealing certain enactments of the Bengal Code.

Whereas it is expedient that the enactments mentioned in the Schedules to this Act annexed, which have ceased to be in force otherwise than by express repeal, or have by change of circumstances become unnecessary, or which merely repeal previous enactments, should be expressly repealed; It is hereby enacted as follows:— Preamble.

1. The enactments mentioned in the first of the said Schedules are wholly repealed and the enactments mentioned in the second of the said Schedules are repealed to the extent specified therein: Extent of repeal.

Provided that such repeal shall not affect any Regulation or Act in which the repealed enactment has been applied, incorporated, or referred to;

And this Act shall not affect the validity or invalidity of anything already done or suffered, or any indemnity already granted, or any right, title, or interest already acquired or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing;

Nor shall this Act affect any principle or rule of law, or established jurisdiction, practice or procedure, or existing usage, custom, privilege or exemption, notwithstanding that the same may have been in any manner affirmed, recognized or derived by, in, or from, any enactment hereby repealed;

Nor shall this Act operate to revive any jurisdiction, office, usage, custom, privilege or exemption not now existing or in force.

2. Sections thirty-four to forty-four (both inclusive) of Bengal Regulation XIX. 1793, shall be read as if they applied to grants of land termed "Bádsháhí," as well as to the grants of land to which that Regulation refers. Amendment of Bengal Regulation XIX 1793, sections 34 to 44.

*** NOTE.—The edition of the Regulations referred to is that by Clarke, London, 1854.

SCHEDULE I.

Regulations wholly repealed.

No. and year of Regulation.	Title.
Regulation VI of 1793 ...	A Regulation for extending and defining the powers and duties of the Court of Sadr Díwání Adálat, and prescribing rules for receiving and deciding upon appeals from the Provincial Courts of Appeal.
Regulation XIII of 1793 ...	A Regulation for the Appointment of the Ministerial Officers of the Civil and Criminal Courts of Judicature, and prescribing their respective Duties.
Regulation XX of 1793 ...	A Regulation for empowering the Zila and City Courts, the Provincial Courts of Appeal and the Sadr Díwání Adálat and the Nizámat Adálat to propose Regulations regarding Matters coming within their Cognizance.
Regulation XXII of 1793 ...	A Regulation for re-enacting, with Alterations and Amendments, the Regulations passed by the Governor General in Council on the 7th December 1792, for the Establishment of an efficient Police throughout the Country.
Regulation XXVII of 1793 ...	A Regulation for re-enacting, with Alterations and Modifications, the Rules passed by the Governor General in Council on the 11th June and 28th July 1790, and subsequent Dates, for the Resumption and Abolition of the Sayer or internal Duties and Taxes throughout Bengal, Behar and Orissa, and for adjusting and paying the Deductions and Compensations directed to be granted to the Proprietors and Farmers of Estates paying Revenue to Government and the Holders of Property exempt from the Payment of Revenue to Government on account of the Duties and Taxes abolished.
Regulation XLIII of 1793 ...	A Regulation for re-enacting, with Modifications, the Rules passed on the 25th February 1793, for granting Lands to invalided Native Officers and Private Soldiers.
Regulation XLIV of 1793 ...	A Regulation for prohibiting the fixing of the Jama of dependent taluqs, or granting Leases or Pattas for a term exceeding ten years; and in cases of Lands disposed of at public Sale for the Discharge of arrears of the public Revenue for rendering null and void all Engagements (with certain Exceptions) subsisting between the defaulting Proprietor and his dependant Taluqdárs, Under-farmers and Ryots for the Payment of Rent or Revenue on account of the Lands so sold.
Regulation II of 1795 ...	A Regulation for re-enacting, with Modifications and Amendments, the Rules regarding the temporary and permanent Settlements of the Revenue in the Province of Benares.
Regulation XLIII of 1795 ...	A Regulation for enacting into a Regulation the Rules passed on the 18th February 1789, and the 24th December 1790, for granting lands to discharged Native Invalid Officers and Private Soldiers in the Province of Benares.
Regulation LI of 1795 ...	A Regulation respecting ryotty Pattas in the Province of Benares.
Regulation III of 1796 ...	A Regulation for excluding from the Jurisdiction of the Court of Wards certain Descriptions of Landed Estates belonging to disqualified Landholders, and for declaring the Rules in Section V., Regulation XLIV. 1793, to extend to the cancelling wholly the Leases of those Under-farmers, a part only of the Land included in whose Leases may be sold for Arrears of Revenue.

SCHEDULE I,—*continued.*

No. and year of Regulation.	Title.
Regulation IV of 1796 ...	A Regulation to provide for the occasional Absence of the Zila and City Judges and Magistrates in the Provinces of Bengal, Behar, Orissa and Benares from their respective Stations; and prescribing the Duties to be performed by the Registers of the Courts and the Assistants on such Occasions as well as in the Discharge of their official Functions.
Regulation II of 1797 ...	A Regulation for defining more specifically the Responsibility of the Landholders and Farmers of Land in the Province of Benares under the Charge of the Police vested in them conformably to their Engagements by Regulation XVII. 1795.
Regulation VI of 1797 ...	A Regulation for abolishing Regulation XXIII. 1793, entitled "a Regulation for raising an Annual Fund for defraying the Expense of the Police Establishments entertained under Regulation XXII. 1793;" and for establishing new Fees on the Institution and Trial of Suits, in lieu of those prescribed by Regulation XXXVIII. 1795; and for levying a Stamp Duty on certain Law and other Papers and Documents, and a Percentage on the Fees of the authorized Pleaders in the Courts of Civil Judicature in the Provinces of Bengal, Behar, Orissa and Benares.
Regulation IX of 1799 ...	A Regulation for further providing against Resistance to the Processes of the Civil Courts in the cities of Dacca, Moorshedabad and Patna, as well as against Resistance to the Processes of the Civil Courts in general.
Regulation II of 1801 ...	A Regulation for the more speedy and effectual Administration of Justice in the Courts of Sadr Díwání and Nizámat Adálat.
Regulation VIII of 1803 ...	A Regulation for extending the Jurisdiction of the Nizámat Adálat to the Provinces ceded by the Nuwáb Vizier to the Hon'ble the English East India Company.
Regulation XXVI of 1803 ...	A Regulation prescribing Rules for the Sale and Division of Lands paying revenue to Government in the Provinces ceded by the Nuwáb Vizier to the Hon'ble the English East India Company.
Regulation XXXV of 1803 ...	A Regulation for the establishment of an efficient System of Police in the Provinces ceded by the Nuwáb Vizier to the Hon'ble the English East India Company.
Regulation XVII of 1805 ...	A Regulation for modifying the Rules contained in Regulation VIII. 1793, respecting the Management of joint undivided Estates.
Regulation X of 1806 ...	A Regulation for extending to the Judicial Department such Parts of Regulation VIII. 1806, as are applicable to Charges or Information against the European Public Officers employed in that Department, and for making further provision in such Cases.
Regulation XIV of 1807 ...	A Regulation for amending the System of Police established in the Province of Benares and in the Ceded and Conquered Provinces within the Divisions of Bareilly and Benares; also for extending to those Provinces the provisions contained in Regulation XII. 1807, for the Appointment of Amíns of Police.
Regulation IV of 1808 ...	A Regulation for the Appointment and Administration of the Office of Kanungo in the Ceded and Conquered Provinces, and in the Province of Benares.

SCHEDULE I,—*continued.*

No. and year of Regulation.	Title.
Regulation V of 1808 ...	A Regulation to explain and declare the Intent and Meaning of certain Clauses in the existing Regulations respecting the Settlement of the Land Revenue in the Ceded Provinces.
Regulation VII of 1808 ...	A Regulation for completing the Registers of Lands held free of Assessment in the Ceded and Conquered Provinces in the Dóáb and on the left Bank of the River Jumna and in the Territory ceded by His Highness the Peishwa to the British Government in Bundelcund.
Regulation XI of 1808 ...	A Regulation for the Adjustment of the Rent payable by the Heirs of invalid jágírdárs.
Regulation III of 1809 ...	A Regulation for the Support of the Police in the Cantonments and Military Bazaars; for defining the Powers of the Civil and Military Officers in the Performance of their Duty, and for fixing the Local Limits of the said Cantonments and Bazaars.
Regulation XIII of 1811 ...	A Regulation for the more convenient and efficient Discharge of the Duties of the Board of Revenue.
Regulation XIV of 1812 ...	A Regulation for modifying, in certain cases, the Rule contained in Section II., Regulation V. 1812, regarding the Grant of Leases by the Proprietors of Lands in the Ceded and Conquered Provinces to their Tenants.
Regulation I of 1815 ...	A Regulation for securing the Right of the British Government to assess land held under muqarrarí or istimrár grants of any preceding Government, on the Decease of the Holders thereof.
Regulation VI of 1817 ...	A Regulation to explain the Purport and Intent of the Provision contained in Section II., Regulation XXIV. 1803.
Regulation XIII of 1817 ...	A Regulation for establishing the Office of Kanungo in the District of Midnapúr and in the Mehálsubject to the Authority of the Collector of Hidgellee, and for extending to the said District and Mehálsthe operation of Regulation XII. 1817.
Regulation XVIII of 1817 ...	A Regulation to modify the Rules in Force which prescribe an Oath of Office to be taken by certain Native Officers; and to explain and amend other Provisions relative to the Native Ministerial Officers and Law Officers of the Civil and Criminal Courts.
Regulation XXIV of 1817 ...	A Regulation for modifying the Constitution of the Commission established in the Provinces of Behar and Benares, and in the Districts of Ramghur, Bhaugulpúr and Purneah; for extending the Authority of the said Commission to the Districts of Dinajpúr and Rangpúr, and for better defining the Powers to be exercised in certain cases by a single Member of the Board of Revenue or Commission vested with the Authority of that Board.
Regulation I of 1818 ...	A Regulation for establishing the Office of Kanungo in the Districts of the Twenty-four Parganas,—Nuddea, Jessore, Dacca, Jalalpúr and Backergunj;—and for extending to the said Districts the Operation of Regulation XII. 1817.
Regulation VII of 1818 ...	A Regulation for rescinding such Parts of the existing Regulations as relate to the Conduct of the Trade of Foreign Nations to the Ports and Settlements of the British Nation in the East Indies;

SCHEDULE I,—*concluded.*

No. and year of Regulation.	Title.
	and for better giving effect to a Regulation in that behalf enacted by the Honourable the Court of Directors of the United Company of Merchants of England trading to the East Indies.
Regulation I of 1819 ...	A Regulation for replacing the Districts of Dinajpúr and Rangpúr under the Management of the Board of Revenue; and for extending the Authority of the Board of Commissioners in Behar and Benares to the District of Goruckpúr; for re-establishing Kanungos and reforming the Office of Patwárí throughout the Province of Bengal; and for explaining and modifying certain Parts of Regulation XII. 1817.
Regulation IV of 1821 ...	A Regulation for authorizing a Collector of Land Revenue, or other Officer employed in the Management or Superintendence of any Branch of the Territorial Revenues, to exercise, in certain Cases, the Powers of Magistrate, or Joint Magistrate; and for authorizing a Magistrate or Joint Magistrate, or Assistant to a Magistrate, to exercise, in certain Cases, the Powers of a Collector of Land Revenue or of any other Officer employed in the Management or Superintendence of any Branch of the Territorial Revenues: also for explaining the Duties of an Assistant Collector of Revenue, and for defining the Duties and Powers vested in Assistant Collectors or other Officers appointed to the Charge of the Revenues of Parganas or other Local Divisions, or employed in the Performance of any Portion of the Functions ordinarily belonging to the Collector of Land Revenue.
Regulation II of 1822 ...	A Regulation for modifying certain Provisions in the existing Regulations relative to the Officers employed in the Collection of the Government Customs and Town Duties.
Regulation IX of 1826 ...	A Regulation for transferring the Superintendence of the Custom House at Patna from the Board of Revenue in the Central Provinces to the Board of Customs at the Presidency; and for vesting the latter Board with the Control of the other Customs in the Central and Western Provinces, and in the Province of Cuttack concurrently with the Central and Western Boards of Revenue or the Commissioner of Cuttack respectively.
Regulation I of 1827 ...	A Regulation for rescinding Regulation I. 1796, providing a Special Form of Trial for the Mountaineers of Bhaugulpúr; also for investing the Magistrate of Bhaugulpúr with Summary Powers for the Adjustment of certain Civil Claims.
Regulation IX of 1828 ...	A Regulation for amending the Rules in Force in Regard to Special or Second Appeals, instituted *in Formâ Pauperis*.
Regulation II of 1830 ...	A Regulation for rescinding and re-enacting, with Modifications, the Provisions contained in Regulation VII. 1818, for regulating the Trade of Foreign Nations with the Ports and Settlements of the British Nation in the East Indies.
Regulation VII of 1832 ...	A Regulation for modifying certain of the Provisions of Regulation V. 1831, and for providing Supplementary Rules to that Enactment.
Act XXXIII of 1850 ...	An Act for amending the forms necessary for the sale of patní tenures in Bengal.

SCHEDULE II.

Regulations partly repealed.

No. and year of Regulation.	Title.	Extent of repeal.
Regulation II of 1793...	A Regulation for abolishing the Courts of Mâl Adálat or Revenue Courts, and transferring the trial of the suits which were cognizable in those Courts to the Courts of Díwání Adálat, and prescribing rules for the conduct of the Board of Revenue and the Collectors.	Section 1. Section 2. In section 4 the words "published in the manner directed in Regulation XLI of 1793." Section 8, clauses 11 and 12. So much of sections 9, 19, 14, 15, 16, 18 and 19 as relates to dewans. Sections 21 and 22. In section 24 the words "by a Regulation published in the manner directed in Regulation XLI of 1793, or." In section 27, from and including the words "and their sanction," down to the end of the section. Sections 30 and 31. In section 46, from and including the words "they are likewise prohibited," to the end of the section. Sections 47 and 48.
Regulation III of 1793	A Regulation for extending and defining the jurisdiction of the Courts of Díwání Adálat or Courts of Judicature for the trial of civil suits in the first instance, established in the several zilas, and in the cities of Patna, Dacca and Moorshedabad.	Section 1, and in sections 3, 5 and 6 the words "and city."
Regulation VI of 1793...	A Regulation for receiving, trying, and deciding suits or complaints declared cognizable in the Courts of Díwání Adálat established in the several zilas, and in the cities of Patna, Dacca and Moorshedabad.	In section 9 the words "the Provincial Courts of Appeal or." Sections 22 to 25, both inclusive.
Regulation VIII of 1793	A Regulation for re-enacting, with modifications and amendments, the rules for the decennial settlement of the public revenue payable from the lands of the zamíndars, independent taluqdárs, and other actual proprietors of land in Bengal, Behar and Orissa, passed for those Provinces respectively on the 18th September 1789, the 25th November 1789, and the 10th February 1790, and subsequent dates.	Sections 16, 17 and 18. In section 20 the words "and elect a joint manager under the restrictions hereafter mentioned." Sections 28, 29, and in section 35 from and including the words "those resolutions," down to the end of the section. Sections 42, 48, 61 and 67, except clause 5. Sections 68 to 99, both inclusive. Sections 100 and 101.
Regulation IX of 1793...	A Regulation for re-enacting, with alterations and modifications, the Regulations passed by the Governor General in Council on the 3rd December 1790 and subsequent dates, for the apprehension and trial of persons charged with crimes or misdemeanors.	In section 3 the words "the special jurisdiction of the Magistrates of the cities of Patna, Dacca and Moorshedabad is to extend throughout those cities, respectively, and the places adjacent that now are or may be subjected to their immediate authority" * * * * * * * * (and in sixth and following lines) "that the special jurisdiction of the Magistrates of the zilas of Behar Proper, Dacca, Jelalpúr and Moorshedabad, be not held to extend to the cities of Patna, Dacca or Moorshedabad, nor to any places adjacent thereto which now are or may be included in the special jurisdiction of the Magistrates of those cities; and." Sections 66, 68, 69 and 70.
Regulation XI of 1793...	A Regulation for removing certain restrictions to the operation of the Hindú and Muhammadan laws, with regard to the inheritance of landed property, subject to the payment of revenue to Government.	In section 3 the words "in the manner directed in Regulation XXV, 1793." Section 4. Section 5, except the words "nothing contained in this Regulation is to be construed to" (in the first line), and in section 6, first line, the words "Nor to."
Regulation XIV of 1793	A Regulation for the recovery of arrears of the public revenue assessed upon the lands, from zamíndárs, independent taluqdárs, and other actual proprietors of land, and farmers of land holding farms immediately of Government.	So much of sections 3, 4, 5, 6 and 8 as relates to the confinement of the person or attachment of the lands of defaulting proprietors paying revenue direct to the Collector. So much of sections 16, 19, 21, 29, 30, 31, 39 and 42 as relates to Provincial Courts of Appeal. In section 24, twelfth line, the words "have obtained the," and in thirteenth line "of the Governor General in Council for," also from and including "the Board of Revenue" in the thirty-fourth line, to close of same section. Sections 38 and 39. In section 45 from and including "be or reside" in second line, down to and including "shall" in fourteenth line. Section 46. In section 48 from and including "the confinement" in second line, down to and including "Nor" in fourth line.
Regulation XVIII of 1793.	A Regulation for preserving complete the records of the civil and criminal courts of judicature, and requiring the zila and city courts to transmit monthly reports of the suits decided by them to the Provincial Courts of Appeal, and directing the Provincial Courts of Appeal to submit monthly reports of the appeals and causes decided by them to the Sadr Díwání Adálat.	In section 1 from and including "and that the" in third line, down to and including "Adálat" in last line of the section. In section 2 from and including "and in" in second line, down to and includnig "circuit" in fourth line. In section 4, line six, the words "register and assistant to the," also "and cities" * * * and in the seventh and eighth lines "the Provincial Courts of Appeal and the Courts of Circuit, and."

SCHEDULE II,—*continued.*

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
		In section 8 the words "printed and published in the manner directed by Regulation XLI of 1793."
		In section 9 the words "and at the cities of Patna, Dacca and Moorshedabad."
Regulation XIX of 1793	A Regulation for re-enacting, with modifications, the rules passed by the Governor General in Council on the 1st December 1790, for trying the validity of the titles of persons holding or claiming a right to hold lands exempted from the payment of revenue to Government, under grants not being of the description of those termed Bádsháhí or Royal; and for determining the amount of the annual assessment to be imposed on lands so held, which may be adjudged or become liable to the payment of public revenue.	Section 18.
		Sections 24 to 26, both inclusive.
		Sections 29 to 33, both inclusive.
		So much of section 35 as relates to the Provincial Court of Appeal.
		Sections 45 and 46.
Regulation XXI of 1793	A Regulation for establishing in each zila an office for keeping the records in the Native languages which relate to the public revenue, and prescribing rules for the conduct of the keepers of the records.	Section 3, and in section 4 from and including the words "the accounts" in eighth line, down to the end of the section.
		In section 8 the words "printed and published in the manner specified in Regulation XLI. 1793."
Regulation XXIV of 1793.	A Regulation for re-enacting, with modifications, the Rules passed by the Governor General in Council on the 10th June 1791, for determining the continuance, or discontinuance of the pensions heretofore paid by the proprietors and farmers of land, but included in the jama or revenue payable to Government at the decennial settlement, and also of the pensions heretofore paid from the sayer abolished.	Sections 2, 3, 4, 5, 6, 7, 8 and 9, and in section 10 the words "on adjudging any pension not exceeding fifty sicca rupees per annum or" in the first and second lines; also in third line the words "on appeal," and in eighth line "by himself."
Regulation XXVI of 1793.	A Regulation for extending the term of minority of Muhammadan and Hindú proprietors of land paying revenue to Government to the expiration of the eighteenth year.	In section 3 from and including the words "for the management," to the end of the section.
Regulation XXXVII of 1793.	A Regulation for re-enacting, with modifications, the rules passed on the 23rd April 1788,	In section 2, clause 1, the words "to the satisfaction of the court," and in clause 2, fourth line, the words "to the satisfaction

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
	and subsequent dates, for trying the validity of the titles of persons holding, or claiming a right to hold, altumgah jágír, and other lands, exempt from the payment of public revenue, under grants termed Bádsháhí or Royal, and for determining when certain grants of that description shall be considered to have expired, and for fixing the amount of the public revenue to be assessed upon the lands, the grants for which may expire, or be adjudged invalid.	of the court in which the suit may be instituted in the first instance, or to which it may be appealed."
		Section 2, clause 2.
		Section 3, clause 2.
		In section 10 the words "and the suits which the Board of Revenue may direct the Collectors to institute" * * * * and "or prosecuted" in tenth line, also in nineteenth line the words "or carried on," in fifteenth and sixteenth lines "to the Provincial Court of Appeal or from the decision of the Provincial Court," in seventeenth and eighteenth lines "in the event of their ordering the cause to be appealed to the Provincial Court and of its being given against them therein," and in nineteenth line "in both cases."
		Section 13.
		Section 20.
		In section 23 from and including the words "and he will be liable to be sued," to end of section.
		Sections 24 to 41, both inclusive.
Regulation XXXVIII of 1793.	A Regulation for re-enacting, with modifications, such part of the rule passed on the 27th June 1787 as prohibits Covenanted Civil Servants of the Company employed in the administration of justice, or the collection of the public revenue, lending money to zamíndárs, independent taluqdárs, or other actual proprietors of land, or dependent taluqdárs, or farmers of land holding farms immediately of Government, or the under-farmers or ryots of the several descriptions of proprietors and farmers of land above-mentioned, or their respective sureties; and for re-enacting, with alterations, the existing rules prohibiting Europeans of any description holding possession of lands that may be mortgaged to them, or purchasing or renting lands for erecting houses or buildings, for carrying on manufactures or other purposes, without the sanction of the Governor General in Council.	In section 2 the words "and city" in first line, also the words "the Judges of the Provincial Courts of Appeal and the Courts of Circuit, and the Registers to their respective Courts."

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
Regulation XLVIII of 1793.	A Regulation for forming a quinquennial register of the landed estates in Bengal, Behar and Orissa, subject to the payment of revenue to Government, and of the amount of the fixed annual revenue payable to Government from each estate.	Section 15. In section 24, clause 2, the words "and city," also so much of sections 18 and 24 as relates to Provincial Courts of Appeal. Section 24, clause 7. Sections 25 and 28.
Regulation III of 1794...	A Regulation for exempting proprietors of land (with certain exceptions) from being confined for arrears of revenue, and for prescribing the process by which tahsíldárs are to demand payment of arrears; and for enabling the Collectors to recover from Native officers employed under them, public money or papers which they may embezzle or retain; and for expediting the trial of causes relating to the public revenue or the rents of individuals.	Section 8. Section 11. In section 14 the words "excepting the rules in the several sections of that Regulation which are rescinded by section XI." Sections 15 to 22, both inclusive.
Regulation I of 1795 ...	A Regulation for fixing in perpetuity the revenue assessed on the lands in the Province of Benares; for the more general restoration of the ancient zamíndars; and for extending to the Province of Benares the rules prescribed in Regulation XLI. 1793.	In section 3, clauses 3 and 4, the words "and printed and published in the manner prescribed in Regulation XLI. 1793;" and in clause 5 of the same section the words "which may be printed and published in the manner prescribed in Regulation XLI. 1793. In section 4 from the commencement down to and including "it is hereby declared that" (inclusive), and in the same line the word "such."
Regulation VI of 1795	A Regulation prescribing the process by which the Collector and the Tahsíldárs are to realize the public revenue payable from the lands in the Province of Benares.	So much of sections 3, 4, 5, 7, 8, 10, 11, 14, 15 and 16 as enforces the issue of process against the person of a defaulter on the occurrence of an arrear of revenue, or relates to the amount of talbána to be paid to peons for the service of process, or to the establishments to be entertained for such service. So much of sections 16, 23, 26 and 28 as relates to City Courts or Provincial Courts of Appeal. Sections 35 to 53, both inclusive.
Regulation VIII of 1795	A Regulation for extending to the Province of Benares, with alterations and modifications,	So much of section 10 as relates to the city and Provincial Courts.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
	Regulation IV, 1793, entitled "a Regulation for receiving, trying and deciding suits or complaints declared cognizable in the Courts of Díwání Adálat established in the several zilas, and in the cities of Patna, Dacca and Moorshedabad;" and for exempting the Rájá of Benares and the Bábus of his family, and certain bankers when defendants, from giving the security required from other defendants.	
Regulation XV of 1795...	A Regulation for extending to the Province of Benares Regulation XVI. 1793, entitled "a Regulation for referring suits to arbitration and submitting certain cases to the decision of the Nazim," with the exception of section 10; and for referring certain cases to the decision of the Rájá of Benares.	In section 3, the words "or to the Provincial Court of Appeal."
Regulation LVIII of 1795.	A Regulation for granting to the Collectors a commission on the jama of lands which may be subjected to the payment of revenue under section 26, Regulation XIX. and section 21, Regulation XXXVII. 1793, and section 26, Regulation XLI. and section 21, Regulation XLII. 1795; and for determining on what amount such commission, and the commission granted to Collectors in cases of lands being adjudged liable to the payment of revenue in consequence of prosecutions, shall be calculated; and for requiring the zila and city courts in the four Provinces to transmit to the Collectors and the Board of Revenue copies of certain decrees in suits between individuals respecting the right to land exempted from the payment of revenue; and for defining of what decrees regarding malguzárí land, the zila and city courts are to furnish the Collectors and the Board of Revenue with copies, under	Sections 1, 2 and 3.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
	section 9, Regulation IV, 1793, and section 4, Regulation VIII. 1795.	
Regulation XV of 1797	A Regulation for levying certain fees to defray the expense of the offices for keeping the records in the Native languages which relate to the public revenue, established under Regulations XXI. 1793, and XXX. 1795.	In section 2, clause 2, the words and figures "that may take place under Regulation XXV. 1793 or XXVI. 1795." In section 7, the words and figures "Regulation XXV. 1793 or XXVI. (according to the Province in which lands may be situated)."
Regulation I of 1799...	A Regulation for declaring a general freedom of trade in chunam and other articles on the frontier of Sylhet, subject to certain provisions.	In section 6 from and including "with the difference," to end of section. Section 7.
Regulation V of 1799...	A Regulation to limit the interference of the zila and city courts of Díwání Adálat in the execution of wills and administration to the estates of persons dying intestate.	In section 2 the words and figures "in the form prescribed by Regulation XLI. 1793."
Regulation VII of 1799	A Regulation for enabling proprietors and farmers of land to realize their rents with greater punctuality; for providing against unnecessary delay in the payment of the public revenue assessed upon the lands; and for securing the ultimate recovery of arrears of revenue by sale of the landed property from which it may be due at the close of the year.	Section 22. Section 23, clause 8. In section 24 from and including "As however," in sixth line to end of section. Sections 29, 30 and 31.
Regulation II of 1800	A Regulation for laying open to public use the stone quarries at Chunar, Gházípúr, and Mirzapúr, in the Province of Benares, subject to a fixed duty.	In section 2 from and including the words "not being British-born subjects" down to and including "1793" in fifth line. In section 8 the words and figures "which are exempted from the customs by section X., Regulation III. 1795."

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
		Section 9. In section 10 from and including "and besides an oath" in third line down to and including "accounts" in ninth line. In section 12 the words "or the city of Benares" in the twenty-fourth line, and "of the city of Benares" in the thirty-third and thirty-fourth lines. Section 15.
Regulation V of 1800...	A Regulation for extending to the Province of Benares the rules contained in Regulation VII. 1799, for enabling proprietors and farmers of land to realize their rents with greater punctuality; as well as such other parts of the above Regulation as are applicable to the Province of Benares.	In section 23 the words "and City" in tenth line, also in thirty-seventh line from and including the words "As however" to the end of the section. In section 26 from and including the words "but a" in twelfth line, to the end of the section. Sections 27 and 28.
Regulation VIII of 1800	A Regulation for preparing a general pargana register of lands; and for certain alterations in the prescribed registers of estates paying revenue, and lands held exempt from the payment of revenue.	In section 18 the words "The officers so appointed, or who may be hereafter appointed, for the purposes specified in the preceding section, shall not be removeable without proof of misconduct, to the satisfaction of the Governor General in Council." Sections 16 to 19 (both inclusive). Section 22.
Regulation I of 1801 ...	A Regulation to explain and amend part of the rules for collecting the public revenue contained in Regulations VII, 1799, and V, 1800; to expedite the sale of lands for arrears of revenue; to limit the division of property by such sales; to explain and amend the rules contained in Regulation XXV, 1793 (extended to Benares by Regulation XXVI, 1795), for the division of joint estates, and allotment of the fixed assessment thereupon; and to fix a period for the operation of such part of Regulation VIII, 1793, as authorizes the separation of certain talúqs from the zamíndarís to which they were attached at the time of the decennial settlement.	Section 9. The last sentence of section 14. In section 15 from and including the words "and, in like manner," to end of section.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
Regulation XXIV of 1803.	A Regulation for trying the validity of titles of persons receiving, or claiming a right to receive, pensions under the denominations of saleáná, rozená, or any other description of grant in the Provinces ceded by the Nuwab Vizier to the Honourable the English East India Company.	Sections 4, 5, 17, 18 and 19.
Regulation XXX of 1803	A Regulation prescribing rules for the grant of pottas by the landholders in the Provinces ceded by the Nuwab Vizier to the Honourable the English East India Company, to their under-farmers, tenants, and ryots.	Sections 11 and 12.
Regulation I of 1804 ...	A Regulation for the better management of the invalid jaghírdar establishments, and of the invalid pension establishments.	Sections 1 to 19, both inclusive. Sections 21 and 27.
Regulation V of 1804...	A Regulation to provide for the appointment and removal of the Native officers of Government in the judicial, revenue, and commercial departments, and in the departments of salt, opium, and customs; also to make further provision for administering the oath prescribed by the Statute 33rd Geo. III, cap. 52.	Sections 2, 3 and 4. So much of section 5 as relates to Provincial or City Courts, the board of trade, and the commercial residents and agents, as also the words from "and to transmit," &c., in tenth line to end of section. Sections 6 and 7. So much of sections 8, 9 and 10 as relates to Provincial or City Courts, the board of trade, the commercial residents and agents, law officers and cauzies, or require any communication to be made to Government in regard to the appointment, removal, or resignation of any of the officers referred to in this Regulation. Sections 11, 12 and 13. So much of sections 14, 15, 16, 17, 18, 20, 21, 22 and 23 as relates to Provincial or City Courts, the Board of Trade, and the commercial residents and agents or departments. Sections 25 and 26.
Regulation X of 1804...	A Regulation for declaring the powers of the Governor General in Council to provide for the immediate punishment of certain offences against the State by the sentence of Courts Martial.	In sections 4 the words and figures "under Regulation IV. 1799, and Regulation XX. 1803."

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
Regulation XII of 1805	A Regulation for the settlement and collection of the public revenue in the zila of Cuttack, including the parganas of Puttespúr, Kummardichour, and Bograe, at present included in the zila of Midnapúr.	Sections 12, 13 and 14.
Regulation XIII of 1805	A Regulation for the maintenance of the peace and for the support and administration of the Police in the zila of Cuttack; and for amending certain provisions contained in Regulation IV. 1804.	Section 12. In section 13 the words and figures "and likewise such of the rules contained in Regulation IV., 1804, as are not either specifically or virtually rescinded by the present Regulation."
Regulation VI of 1806	A Regulation for the more effectual repair of embankments.	Sections 2, 3, 4, 5, 7 and 8. From the commencement of section 9 down to and including the word "and" in the seventh line. Section 10. In section 12, clause 2, from "the several committees" in fourth line, to the end of the clause; also clause 5.
Regulation XI of 1806	A Regulation for facilitating the progress of detachments of troops through the Company's territories; for affording any requisite assistance to persons travelling through those territories; and for extending the rules contained in sections 68 and 72, Regulation XXII. 1795, in clauses fifth and sixth, section 14, Regulation VIII. 1805, and in section 31 of that Regulation, to the whole of the Company's Provinces subject to the immediate Government of the Presidency of Fort William; for the guidance of the civil officers in applying for guards from the regular battalions; and for modifying the rule contained in clause 1, section 12, Regulation I. 1804.	Sections 9 to 19, both inclusive.
Regulation XVII of 1806.	A Regulation for extending to the Province of Benares the rates of interest on future loans, and provisions relative thereto contained in Regulation XV. 1793; also for a	In section 1 from and including the words "As however," down to and including the word "Presidency" in the fifteenth line. Sections 2, 3, 4, 5 and 6.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
	general extension of the period fixed by Regulation I, 1793, and XXXIV. 1803, for the redemption of mortgages and conditional sales of land under deeds of bye-bil-wuffa kut-cubaleh, or other similar designation.	
Regulation XXI of 1806	A Regulation for making certain alterations in the office of tahsíldár in the Province of Benares, and in the Ceded and Conquered Provinces, on the death, resignation, or removal of any persons by whom those offices are at present held.	In section 2 from and including the words "The Magistrate of," to the end of the section. In sections 2 and 3 the words "both as receivers of the public revenue and as officers of police." Section 5.
Regulation XXII of 1806.	A Regulation for modifying the rules hitherto observed in the admission and payment of claims to pensions.	Section 1. In section 2 the words "to the Honourable Company" in line 2, and in line 5 the word "sicca."
Regulation VII of 1807	A Regulation for making certain alterations in the provisions which have hitherto been in force in the Province of Benares, respecting persons paying or wishing to pay, their revenue directly to the Treasury or the Collector, instead of paying it through the medium of a tahsíldár.	Section 2. So much of section 5 as has not been repealed.
Regulation VIII of 1809	A Regulation for modifying parts of the rules in force respecting the appointment and removal of the Native officers of Government in the judicial, revenue, and commercial departments.	So much of sections 1 and 2 as relates to the Provincial or City Courts of Appeal, the Board of Trade, and the commercial residents and agents or departments, as well as the law officers and cauzies. Section 5, clauses 1, 2, 3 and 4. Sections 6 and 7. In section 10 the words "and commercial," also clause 2; in clause 3, sixth line, the words "and Board of Commissioners," in same line from and including the words "in like manner" to the end of the clause; in clause 4 the words "commercial residents and agents;" in clause 5 the words "the commercial residents and agents," also in same clause from and including the words "provided that" to the end of the clause. Sections 11 and 12.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
Regulation VI of 1810	A Regulation for defining the penalties to which zamíndárs and others shall be subject for neglecting to give due information of robberies, and for harbouring robbers.	Section 6.
Regulation XVI of 1810	A Regulation to amend the existing rules for the appointment of zila and city Magistrates; to provide for the appointment of Joint and Assistant Magistrates; and to alter the provisions in force for the payment of a fixed reward on the conviction of public offenders.	In section 1 from the beginning down to and including the word "Magistrate" in sixth line, the word "also" in same line; in thirteenth line from and including the words "and to obviate" down to and including "conviction" in sixteenth line; in the eighteenth and nineteenth lines the words "when no specific reward may have been offered for the performance of such service." The whole of section 2, except the following words in the second clause:—"Whenever it is considered expedient to appoint a person to hold the office of Magistrate, the Governor General in Council will make such appointment." In section 3 from commencement down to and including the word "that" at the end of the fourth line, and the words "as heretofore" in sixth line. Sections 11 to 15, both inclusive.
Regulation XX of 1810	A Regulation for subjecting persons attached to the military establishments to martial law in certain cases, and for the better government of the retainers and dependants of the army receiving public pay on fixed establishments, and of persons seeking a livelihood by supplying the troops in garrison, cantonment; and station military bazaars, or attached to bazaars of corps.	Section 1. In section 3 the words "second article of the twenty-fourth section of His Majesty's, or the second article of the fifteenth section of the Honourable Company's." Section 5. In section 20 from and including the words "in the meantime" in the sixteenth line to the end of the section.
Regulation II of 1811	A Regulation for amending the existing rules for the support of invalid Native commissioned and non-commissioned officers.	Sections 1 and 2.
Regulation XI of 1811...	A Regulation for extending the period fixed by the existing Regulations for revising the jama on lands ordered to be divided into two or more estates.	Section 2. In section 4, clauses 1 and 2, the words "or Board of Commissioners."

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
Regulation III of 1812	A Regulation for amending some of the rules at present in force in regard to the conduct of enquiries into charges of a criminal nature, and for establishing additional provisions with a view to the more effectual apprehension of criminals.	In section 1 from commencement down to and including the word "and" in seventh line, and from and including the words "it being" in tenth line, down to and including "Police" in seventeenth line. Sections 5 and 7. In section 9, clauses 1 and 2, and from commencement of clause 3, down to and including the word "it" in third line of that clause; also clauses 7 and 8.
Regulation V of 1812...	A Regulation for amending some of the rules at present in force for the collection of the land revenue.	In section 1 from and including the words "and also" in third line, down to and including the word "interest" in fifteenth line. In section 2 from commencement down to and including the word "and" in fifth line. In section 3 from commencement down to and including the word "the" in sixth line. Sections 24, 25, 26 and 27.
Regulation IX of 1812	A Regulation for modifying some of the rules before enacted regarding the settlement of the Ceded Provinces.	Section 2. In sections 4 and 5 the words "of Commissioners."
Regulation X of 1812	A Regulation for modifying some of the rules before enacted regarding the settlement of the Conquered Provinces lying on the right and left banks of the River Jumna of the Territory Ceded by His Highness the Peishwa in Bundlecund, and of the District of Cuttack.	Section 2. In sections 4 and 5 the words "of Commissioners."
Regulation XI of 1812	A Regulation to empower the Governor General in Council to order the removal of emigrants from foreign countries, and their descendants from any	In section 1 from the commencement down to and including "and" in eleventh line, and the words "in consequence" in same line; also the words "the said bodies of" in thirteenth line, and the words "from

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
	place in the vicinity of the frontier of the State from which they may have emigrated; and, in certain cases to place and detain any such persons in safe custody; and likewise to provide for the trial of emigrants and their descendants who may excite disturbances in the countries from which they may have emigrated, and of persons aiding them in the prosecution of such attempts.	the frontiers of the territory of Arracan" in the same line. In section 2 the words "from Arracan or emigrants from any other State."
Regulation XVIII of 1812	A Regulation for explaining section 2, Regulation V, 1812, and rescinding sections 3 and 4, Regulation XLIV, 1793, and sections 3 and 4, Regulation L. 1795, and enacting other rules in lieu thereof.	Section 1, and first clause of section 3.
Regulation II of 1813...	A Regulation for preventing Native officers from making use of public money entrusted to their care.	Sections 3 and 4.
Regulation XI of 1813	A Regulation for modifying some of the rules before established respecting the payment of pensions, and for preventing the abuses committed in the receipt of pensions.	Section 2, and first clause of section 3. In clause 2, section 3, the words "likewise" in first line and "said" in second line. Section 5. In section 6, the words or "Board of Commissioners."
Regulation XIX of 1814	A Regulation for reducing to one Regulation, with alterations and additions, certain Regulations respecting the partition of estates paying revenue to Government.	So much of sections 1, 4, 17, 19, 20, 21, 27, 30, 32 and 35 as refers to the Board of Commissioners. Section 2. Section 23.
Regulation XXI of 1814	A Regulation for preventing the zila and city Judges and Collectors of the public revenue from employing their Native creditors on their respective establishments.	In section 2 the following words in third and fourth lines "of salt or," in sixth line "and trade of the Board of Commissioners," and in seventh line "appeal and."

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
Regulation XI of 1816	A Regulation for receivng, trying, and deciding claims to the right of inheritance or succession in certain tributary estates in zila Cuttack.	Sections 4, 6, 9 and 10. In section 12 the words and figure "under section X."
Regulation XVII of 1816	A Regulation for the occasional revision of the regular police and jail establishments; for the due support and regulation of the establishments of chaukídárs; for amending the rules in force for the appointment and removal of police officers; for modifying the constitution of the offices of the Superintendents of Police; and for reducing the miscellaneous business of Courts of Circuit, and Court of Nizámat Adálat.	In the second line of section 1 the words "and jail." In seventh and eighth lines of same section the words the figures "on the principles of the provisions of Regulation XIII. 1813." In section 2, clause 1, the words "or jail guards," and in clause 2 of same section the words "and jail;" in section 3, the words "or jail." In section 4 the words "on the principles of the provisions of Regulation XIII. 1813." Sections 6, 7 and the unrepealed clauses of section 8. Section 14. In section 16 from and including the words "and Board" to the end of the section. Section 17, clauses 4 and 5. Section 18. Section 20.
Regulation V of 1817...	A Regulation for declaring the rights of Government and of individuals with respect to hidden treasure, and for prescribing the rules to be observed on the discovery of such treasure.	In section 2 the word "sicca." In section 5 the following words:—"of Commissioners, or the Commissioners in Behar and Benares, or the Board of" * * * * in second and third lines, "in conformity with the foregoing provision" in the fourth line, and "pursuant to the prescribed notification" in the seventh line. In section 6 the words "within the period limited by the notification directed in section IV. of this Regulation," and the word "sicca" in the sixth line of this section, and the second and fifth lines of section 7. In sections 6, 8 and 9 the words "or city." In section 8 the words "or the Board of Commissioners in the Western Provinces, or the Commissioners in Behar and Benares." In section 9 the words "to the Provincial Courts." Section 10.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
Regulation XII of 1817	A Regulation for securing the better administration of the office of patwárí in the Ceded and Conquered Provinces, the Provinces of Behar and Benares, the District of Cuttack, the Pargana of Puttaspúr, and its dependencies.	Section 2. In section 8 the words "the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be," and in the eighth line "or Commissioner." In section 11 the words "the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be." In section 13 the words "the Board of Commissioners, or the Commissioner in Behar and Benares." In section 15 the words "the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be." In section 16 the words "the Board of Commissioners, or the Commissioner in Behar and Benares." In section 17 the words "Board of Commissioners, or Commissioner in Behar and Benares." Sections 26, 27, 28 and 30. In section 31 the words "the Board of Commissioners, or the Commissioner in Behar and Benares, according as he may be subject to one or the other of those authorities, * * *" also in same section the words "and Commissioner aforesaid." In section 32 from and including the words "and if" in fourth line to end of the section. In section 33 the words "the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be," also in thirteenth line the words "or Commissioner." In fourteenth and fifteenth lines, figures and word "XXVI. and XXVII.," and from and including the words "and the" in the fifteenth line to the end of the section. In section 35 the words "the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be," and in fifth line the words "or Commissioner."
Regulation XVI of 1817	A Regulation for imposing a duty on foreign opium imported by sea into any port or place within the limits of the territories immediately dependent on the Presidency of Fort William.	In section 1 the words "with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India."
Regulation XX of 1817	A Regulation for reducing into one Regulation, with amendments and modifications, the	Sections 2 and 3.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
	several rules which have been passed for the guidance of darogás and other subordinate officers of Police; for modifying the existing rules concerning the resistance or evasion of criminal process; and for requiring further aid to the Police in certain cases, from proprietors and farmers of land and their local managers, as well as from the munduls and other heads of villages.	In section 4, clause 4, the words and figures "in pursuance of sections VI. and VII. Regulation X. 1808, sections VIII. XI. and XII. Regulation XVI. 1810, and section XI. Regulation XVII. 1816."
		In section 5, clause 2, from and including the words "they shall" in the fifth line to the end of the clause.
		In section 10, clause 8, the words "by the Native commissioners for the trial of civil suits," and in last line of same clause the words "to the Native commissioners."
		In section 21, clause 10, from and including the words "Any head man," &c., in twelfth line to the end of the clause.
		In section 28, clause 2, the words and figures "as directed in section XXIV. Regulation X. 1813."
		In section 29, the following words:— "weaver," "molungee," "engaged in the provision of the Company's investment, or," "commercial," "commercial resident, salt or," "aurungee" or "chokí," "or any other manufacturer or any," wherever they occur in the first four clauses of this section; also the whole of the fifth, sixth, seventh and eighth clauses of the same section.
		Section 30, clauses 2 and 3, section 31, the 3rd clause of section 33, and the unrepealed forms appended to this Regulation.
Regulation III of 1818	A Regulation for the confinement of State prisoners.	In section 9 the words "to the Provincial Court of Appeal and Circuit."
Regulation II of 1819...	A Regulation for modifying the provisions contained in the existing Regulations regarding the resumption of the revenue of lands held free of assessment under illegal or invalid tenures and for defining the right of Government to the revenue of lands not included within the limits of estates for which a settlement has been made.	Section 2.
		Section 3, clause 2.
		Sections 5, 6, 8, 10 and 11.
		Sections 12 and 14.
		Section 13, clause 3.
		In section 19 from and including the word "conformably" in the fourth line to the end of the section.
		In section 20 the words "in a Persian rúbakárí," and in the seventh line "aforesaid."
		In section 21 the words "in a Persian rúbakárí."
		Sections 22 to 28, both inclusive.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
		In section 29 the words "subject to an appeal to the Courts of Judicature in the manner prescribed by this Regulation in cases in which the Board may direct the assessment of land held free of assessment."
		In section 30, clause 1, the words "and the petition shall be written on stamped paper of the value prescribed for petitions of plaint in suits instituted in those courts;" also in clause 7 the words "by a petition written on stamped paper of the value of one rupee."
Regulation VI of 1819	A Regulation for rescinding Regulation XIX, 1816, and for enacting other provisions in lieu thereof.	Section 2 from the beginning down to and including "specified" in the first line of the second clause.
		In section 10 the words and figures "by section VII. Regulation XVIII. 1817."
Regulation VIII of 1819	A Regulation to declare the validity of certain tenures, and to define the relative rights of zamíndárs and patní taluqdárs; also to establish a process for the sale of such taluqs in satisfaction of the zamíndár's demand of rent, and to explain and modify other parts of the system established for the collection of rents generally throughout Bengal.	In section 3, clause 3, the words and figures "under the rule contained in the seventh clause of section XV. Regulation VII. 1799, for leases conveying a limited interest in the land."
		In section 8, clause 2, the words "to the Civil Court of the district, and a similar one."
		In section 9 from and including the words "by the register," down to and including "situated" in the fifth line.
		In section 15, clause 2, the words and figures "brought under the provisions of section XV. Regulation VII. 1799," and "under the rules of Regulation V. 1812."
		In section 17, clause 7, the words "the court" in fifth line, and "under the seal of the court" in the seventh and twelfth lines.
Regulation I of 1820 ...	A Regulation for providing that all sales of certain talúqs made answerable by sale of arrears of the zamíndár's rent shall be conducted in the mode prescribed by Regulation VIII. 1819, for the sales therein described.	In section 2 the words "by the Register or Acting Register of the zila or city court, or, in his absence, by the person in charge of the office of Judge of the District."
Regulation III of 1820	A Regulation for rescinding some of the provisions of Regulation XI. 1806, and for preventing the practice of pressing coolies or begárís.	Section 2.
		In section 3 the words "and consistent with the powers vested in the Magistrates by the general Regulations."
Regulation III of 1822	A Regulation for modifying the constitution and altering the jurisdiction of the several Boards vested with the superin-	Sections 1, 2 and 3 and clauses 2 and 3 of section 4, and the word 'said' in clause 1 of the same section.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
	tendence of the land revenue, in the territories belonging to the Presidency of Fort William.	
Regulation VII of 1822	A Regulation for declaring the principles according to which the settlement of the land revenue in the Ceded and Conquered Provinces, including Cuttack, Puttaspúr and its dependencies, is to be hereafter made, and the powers and duties belonging to Collectors or other officers employed in making, revising, or superintending settlements; for continuing, with certain exceptions, the existing leases within the said Provinces for a further term of five years; for defining, settling, and recording the rights and obligations of various classes and persons possessing an interest in the land, or in the rent or produce thereof; and for vesting the revenue authorities with judicial cognizance in certain cases of suits and claims relating to land, the rent, and produce of land.	Section 5, clause 1. In sections 5, 6, 7, 12 and 17 the words "of Commissioners." In sections 15 and 16 the words "or provincial." Section 27, the second clause of section 28, and the following words in the fifth clause of same section:—"and shall be rendered in a Persian rúbakárí written on stamped paper of the value of two rupees." In section 30 the words "or Provincial Court of the division." In section 35 the words "or Board of Commissioners."
Regulation VI of 1823	A Regulation for authorizing the institution of summary suits to enforce the execution of certain written engagements for the cultivation and delivery of the indigo plant, and for declaring certain principles in regard to the same.	In section 1, and clause 7 of section 3, the words and figures "under the provisions of Regulation XX. 1812." In section 3, also in clause 1, the words "or to a Register exercising the powers of Joint Magistrate." In section 6 from and including "they shall," in third line to the end of the sixth line, and the words "passed by those officers respectively" in seventh and eighth lines. In section 7 the words and figures "under the rules of section 11, Regulation I. 1814."
Regulation VII of 1823	A Regulation for prohibiting loans by Covenanted Civil Servants from persons subject to their official authority and influence.	Section 2, clause 3, and section 5. In section 6 the words "in like manner" in the first line. In section 8 the words "Provincial" and "by the Provincial Courts."
Regulation XI of 1824	A Regulation for empowering the zila and city Judges and Magistrates to depute their Registers or Assistants for the purpose of making local investigations in certain cases.	In section 1 from commencement down to and including the word "But" in fifth line, also "zila and city Judges and," "and Registers" in sixth line. In section 2 the words "zila or city Judge or" in first line, "register" in second

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
		line, "matter connected with a depending civil suit or" in seventh line, "instead of a Native amín or the employment of the local munsif or police officer" in ninth and tenth lines, and "zila or city Judge or" in eleventh line of the same section. In section 3 the words "in a civil suit or" in second and third lines, the words "Díwání or" in fifth line, and "Judge or" in fifth and thirteenth lines. Sections 4, 5 and 6.
Regulation VI of 1825	A Regulation for rendering more effectual the rules in force relative to supplies and preparations for troops proceeding through the British territories.	In section 5 the words "on the stamped paper prescribed for other appeals to the Revenue Boards."
Regulation VIII of 1825	A Regulation to make further provision for the employment of Native officers in the Judicial Department, and to provide for the punishment of false and malicious charges against the European officers of Government.	In section 1 the words and figures "contained in Regulations II. 1793, V. 1795, and XXV. 1803." And from and including the words "and whereas" in tenth line down to and including "noticed" in eighteenth line of the same section. Section 3. In section 4 the words "which may be submitted to the Provincial Courts of Appeal and Circuit," and from and including the words "and it will" in the eighth line to the end of the section.
Regulation IX of 1825	A Regulation for extending the operation of Regulation VII. 1822; for authorizing the revenue authorities to let in farm estates under temporary leases, on the default of the málguzárs, or to hold the same khás for a term of years; for modifying and adding to the rules contained in Regulation II. 1819; and for making certain other amendments in the existing Regulations.	In section 5, clause 10, from the commencement down to and including the word "but" in fourth line.
Regulation XIV of 1825	A Regulation to declare the extent of the authority possessed by the revenue authorities subordinate to the Governor General in Council, in the confirmation of lakhiraj tenures; to define the principles to be followed in determining on the force and validity of grants made by persons exercising authority in different quarters previously to the acquisition of the country by	Sections 1, 5 and 6.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
	the British Government; and to provide for the due application of the general Laws and Regulations respecting lands held free of assessment, to the territory ceded by Govind Rao to the British Government, and annexed to the zila of Bundlecund, under the provisions of Regulation II, 1818.	
Regulation XX of 1825	A Regulation for declaring the jurisdiction of the Military Courts Martial and Courts of Requests, constituted by a recent Act of Parliament, and for modifying some parts of the existing Regulations in conformity thereto.	In section 2 from the commencement down to and including the words "provided that" in second line and in line 9 the words "or of the Hon'ble East India Company," and in section 4 the words "under the provisions of Regulation L. 1803."
Regulation III of 1827	A Regulation for modifying and amending the rules in force relative to the law officers and ministerial Native officers of the Courts of Judicature, who may be guilty of corruption or extortion.	Section 2. In section 3 the words "or any Hindú or Muhammadan law officer." In section 4 the words "law officer or" in first line, the word "such" in third line, and the words and figures "as laid down in clause 2, section 6, Regulation XVIII. 1817," in third and fourth lines. In section 5 the words "on the stamp paper prescribed for miscellaneous petitions." In section 6 the words and figures "by the process described in section VII. Regulation XVIII. 1817."
Regulation III of 1828	A Regulation for the appointment of special Commissioners for the more speedy hearing and determination of appeals from the decisions of the revenue authorities in regard to lands or rents occupied or collected by individuals, without payment of the revenue demandable by Government, under the general law of the country, and for otherwise more effectually securing the realization of the public dues.	In section 2, clause 3, the words "provincial and." In section 4, clause 1, the words "in a Persian rúbakárí." In section 6, clause 4, the words "the Provincial Courts or" In section 7, clause 2, the words "Provincial Courts, and." In section 10, clause 4, the following words and figures:—"the Provincial Courts or" in third and fourth lines, "or the provincial" in fifth line, "respectively in cases of the nature described and specially provided for in section VI., Regulation XIV. 1825," in fifth, sixth and seventh lines; also in seventh line the words "by those tribunals," and the whole of the fifth clause of this section. In section 11 the words "or city." Clauses six and seven of section 6. Rules of practice appended to this Regulation.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
		Section 13. In section 14 from and including the word "but," to end of section. In section 15 the words "the reply to be filed to the grounds of appeal is to be written on stamped paper, value one rupee and." In section 16 the words "and such pleading shall be written on stamped paper, value one rupee." Section 17. In section 18 from and including the words "but when admitted," &c., to the end of the section. Section 20. In section 27 the words "which may be written on unstamped paper." In section 33 the words "on plain or stamped paper."
Regulation IV of 1828	A Regulation to declare and extend the powers to be exercised by Collectors, when making or revising settlements, under the provisions of Regulation VII, 1822.	In section 1 the words "and that the jurisdiction of the said officers should not be barred by summary decisions passed by Magistrates under the rules of Regulation XV. 1824." In section 2, clause 4, in line 1, the word 'fourth;' from and including the words "during the aforesaid," down to and including the words "the like. And."
Regulation VII of 1828	A Regulation for amending the provisions of Regulation XV, 1795, and for defining the authority of the Rájá of Benares in the mehals therein referred to.	In section 21 the words "shall be guided by the rules contained in Regulation XXIII. 1814, and in points not expressly provided for in that Regulation they." Section 22.
Regulation I of 1829	A Regulation for constituting Commissioners of Revenue and Circuit; for establishing a Sadr Board of Revenue; for modifying the constitution of the Provincial Courts; for transferring to the said Commissioners the functions now exercised by the Superintendents of Police, and those of the Mofussil Special Commissioners, acting under the provisions of Regulation I. 1821; and otherwise for providing for the better administration of civil and criminal justice.	Section 3, except in so far as it constructively vests in Commissioners of Circuit powers of control over the appointment and removal of the ministerial officers subordinate to Magistrates. Section 5, clause 1, and in clause 2, from commencement down to and including the word "that" in fifth line. Sections 7, 8, 9 and 10.
Regulation III of 1829	A Regulation for abolishing certain official designations amongst the Judges of the Courts of Sadr Díwání and Nizámat Adálat, and of the Provincial Courts; for amending	In section 6 the second sentence.

SCHEDULE II,—*concluded.*

No. and year of Regulation.	Title.	Extent of repeal.
	the rules at present in force, which require the Judges of the Courts of Sadr Diwání and Nizámat Adálat, or other public officers, to take the prescribed oaths of office before the Governor General in Council; for providing for the decision of civil suits and appeals in the Provincial Courts in certain cases; for amending Regulation VIII, 1825; and for discontinuing the offices of Hindú and Muhammadan law officer in the Provincial Courts.	
Regulation IV of 1829	A Regulation for modifying, in certain cases, the rules laid down in clauses 4th and 5th, section 2, Regulation III. 1828, relative to appeals to the Special Commissioners appointed under that Regulation; also for modifying part of clause 2nd, section 10, Regulation I. 1829.	In section 2, clause 1, the words "or of a Provincial Court."
Regulation XI of 1829	A Regulation for modifying the rules in force relative to the construction and repair of embankments.	Section 2, clause 1.
Regulation V of 1830	A Regulation for amending the provisions of Regulation VI. 1823, and for providing more effectually for enforcing the execution of contracts relating to the cultivation and delivery of indigo plant.	Section 1.
Regulation XI of 1831	A Regulation for vesting tahsíldárs in certain cases with the powers of Police officers.	Section 8.
Regulation IX of 1833	A Regulation to modify certain portions of Regulation VII of 1822, and Regulation IV of 1828; to provide for the more speedy and satisfactory decision of judicial questions cognizable by officers of revenue employed in making settlements under the above Regulations; for enforcing the production of the village accounts; for the more extensive employment of Native agency in the Revenue Department; and to declare the intent of section 5, Regulation VII of 1822, touching claims to málikana.	Sections 2, 3 and 4.

STATEMENT OF OBJECTS AND REASONS.

It is an essential part of the scheme for effecting a complete consolidation of the existing enactments that all inoperative provisions and unnecessary matter therein contained should first be expunged.

This has already been accomplished as regards the Acts of the Governor General in Council, extending from the year 1834 up to the present time, by Acts VIII of 1868 and XIV of 1870.

The sifting process has likewise been applied more or less effectively by the local Legislatures to the Regulations of the Madras and Bombay Codes, and they have now been reduced to very moderate proportions.

But the Bengal Code, notwithstanding the reductions effected by various repealing enactments, still contains several Regulations which are wholly obsolete or practically useless, and many others which embrace provisions so far modified, as to be virtually superseded by later enactments, as well as numerous references to abolished courts and offices, or expired customs and usages, all of which needlessly swell the bulk of the existing law.

The object of this Bill is to get rid of all such useless matter by express repeal, and thus clear the way for the consolidation of such of the remaining operative Regulations or parts thereof as are capable of being re-enacted in an abridged form.

SIMLA;
The 20th July 1870. } F. R. COCKERELL.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd August 1870, and was referred to a Select Committee with instructions to make their report thereon in a fortnight:—

No. 18 OF 1870.

A Bill to confirm certain laws affecting European British subjects.

Preamble. Whereas the Governors of the Presidencies of Fort St. George and Bombay in Council, and the Lieutenant-Governor of Bengal in Council have severally passed divers Acts purporting to apply generally to all persons within the local extent of the said Acts; and whereas doubts have been raised as to the validity of such Acts in so far as they affect to render European British subjects liable to be convicted and punished by tribunals other than the High Courts of Judicature at Fort William, Madras and Bombay: For the purpose of removing such doubts it is hereby enacted as follows:—

Confirmation of local Acts so far as regards European British subjects.

1. Every such Act shall, so far as regards the liability of European British subjects to be convicted and punished thereunder, be and be deemed to have been as valid as if it had been passed by the Governor General of India in Council at a meeting for the purpose of making Laws and Regulations.

Saving of limits of Magistrates' ordinary jurisdiction.

2. Nothing in this Act shall be taken to authorize a Magistrate to exceed the limits of his ordinary jurisdiction as to the amount of punishment which he may inflict, or to confer jurisdiction on any Magistrate not being a Justice of the Peace.

Indemnity-clause.

3. All Magistrates and other persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had been then in force; and no suit or other proceeding shall be maintained against any such Magistrate or other person in respect of anything so done.

STATEMENT OF OBJECTS AND REASONS.

The High Court at Bombay has recently decided that it has exclusive criminal jurisdiction over European British subjects, and that the local legislature has no power to make laws affecting that jurisdiction.

Assuming this decision to be correct, it follows that the local Municipal, Police and Prison Acts are, so far as regards European British subjects, null and void, and that the only possible mode of punishing these persons for a breach of any such Act is by indictment in the High Court.

This being obviously inexpedient, the present Bill confirms all such local Acts, so far as regards the liability of European British subjects to be convicted and punished thereunder. It also saves the limits of the Magistrates' ordinary jurisdiction, and indemnifies Magistrates for their action heretofore.

SIMLA;
The 18th July 1870. } J. F. STEPHEN.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, AUGUST 20, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd August 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 17 of 1870.

A Bill for repealing certain enactments of the Bengal Code.

Preamble.

Whereas it is expedient that the enactments mentioned in the Schedules to this Act annexed, which have ceased to be in force otherwise than by express repeal, or have by change of circumstances become unnecessary, or which merely repeal previous enactments, should be expressly repealed; It is hereby enacted as follows:—

Extent of repeal.

1. The enactments mentioned in the first of the said Schedules are wholly repealed and the enactments mentioned in the second of the said Schedules are repealed to the extent specified therein:

Provided that such repeal shall not affect any Regulation or Act in which the repealed enactment has been applied, incorporated, or referred to;

And this Act shall not affect the validity or invalidity of anything already done or suffered, or any indemnity already granted, or any right, title, or interest already acquired or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing;

Nor shall this Act affect any principle or rule of law, or established jurisdiction, practice or procedure, or existing usage, custom, privilege or exemption, notwithstanding that the same may have been in any manner affirmed, recognized or derived by, in, or from, any enactment hereby repealed;

Nor shall this Act operate to revive any jurisdiction, office, usage, custom, privilege or exemption not now existing or in force.

Amendment of Bengal Regulation XIX 1793, sections 34 to 44.

2. Sections thirty-four to forty-four (both *inclusive*) of Bengal Regulation XIX. 1793, shall be read as if they applied to grants of land termed "Bádsháhí," as well as to the grants of land to which that Regulation refers.

*** NOTE.—The edition of the Regulations referred to is that by Clarke, London, 1854.

SCHEDULE I.

Regulations wholly repealed.

No. and year of Regulation.	Title.
Regulation VI of 1793 ...	A Regulation for extending and defining the powers and duties of the Court of Sadr Díwání Adálat, and prescribing rules for receiving and deciding upon appeals from the Provincial Courts of Appeal.
Regulation XIII of 1793 ...	A Regulation for the Appointment of the Ministerial Officers of the Civil and Criminal Courts of Judicature, and prescribing their respective Duties.
Regulation XX of 1793 ...	A Regulation for empowering the Zila and City Courts, the Provincial Courts of Appeal and the Sadr Díwání Adálat and the Nizámat Adálat to propose Regulations regarding Matters coming within their Cognizance.
Regulation XXII of 1793 ...	A Regulation for re-enacting, with Alterations and Amendments, the Regulations passed by the Governor General in Council on the 7th December 1792, for the Establishment of an efficient Police throughout the Country.
Regulation XXVII of 1793 ...	A Regulation for re-enacting, with Alterations and Modifications, the Rules passed by the Governor General in Council on the 11th June and 28th July 1790, and subsequent Dates, for the Resumption and Abolition of the Sayer or internal Duties and Taxes throughout Bengal, Behar and Orissa, and for adjusting and paying the Deductions and Compensations directed to be granted to the Proprietors and Farmers of Estates paying Revenue to Government and the Holders of Property exempt from the Payment of Revenue to Government on account of the Duties and Taxes abolished.
Regulation XLIII of 1793 ...	A Regulation for re-enacting, with Modifications, the Rules passed on the 25th February 1793, for granting Lands to invalided Native Officers and Private Soldiers.
Regulation XLIV of 1793 ...	A Regulation for prohibiting the fixing of the Jama of dependent taluqs, or granting Leases or Pattas for a term exceeding ten years; and in cases of Lands disposed of at public Sale for the Discharge of arrears of the public Revenue for rendering null and void all Engagements (with certain Exceptions) subsisting between the defaulting Proprietor and his dependant Taluqdárs, Under-farmers and Ryots for the Payment of Rent or Revenue on account of the Lands so sold.
Regulation II of 1795 ...	A Regulation for re-enacting, with Modifications and Amendments, the Rules regarding the temporary and permanent Settlements of the Revenue in the Province of Benares.
Regulation XLIII of 1795 ...	A Regulation for enacting into a Regulation the Rules passed on the 18th February 1789, and the 24th December 1790, for granting lands to discharged Native Invalid Officers and Private Soldiers in the Province of Benares.
Regulation LI of 1795 ...	A Regulation respecting ryotty Pattas in the Province of Benares.
Regulation III of 1796 ...	A Regulation for excluding from the Jurisdiction of the Court of Wards certain Descriptions of Landed Estates belonging to disqualified Landholders, and for declaring the Rules in Section V., Regulation XLIV. 1793, to extend to the cancelling wholly the Leases of those Under-farmers, a part only of the Land included in whose Leases may be sold for Arrears of Revenue.

SCHEDULE I,—*continued.*

No. and year of Regulation.	Title.
Regulation IV of 1796 ...	A Regulation to provide for the occasional Absence of the Zila and City Judges and Magistrates in the Provinces of Bengal, Behar, Orissa and Benares from their respective Stations; and prescribing the Duties to be performed by the Registers of the Courts and the Assistants on such Occasions as well as in the Discharge of their official Functions.
Regulation II of 1797 ...	A Regulation for defining more specifically the Responsibility of the Landholders and Farmers of Land in the Province of Benares under the Charge of the Police vested in them conformably to their Engagements by Regulation XVII. 1795.
Regulation VI of 1797 ...	A Regulation for abolishing Regulation XXIII. 1793, entitled "a Regulation for raising an Annual Fund for defraying the Expense of the Police Establishments entertained under Regulation XXII. 1793;" and for establishing new Fees on the Institution and Trial of Suits, in lieu of those prescribed by Regulation XXXVIII. 1795; and for levying a Stamp Duty on certain Law and other Papers and Documents, and a Percentage on the Fees of the authorized Pleaders in the Courts of Civil Judicature in the Provinces of Bengal, Behar, Orissa and Benares.
Regulation IX of 1799 ...	A Regulation for further providing against Resistance to the Processes of the Civil Courts in the cities of Dacca, Moorshedabad and Patna, as well as against Resistance to the Processes of the Civil Courts in general.
Regulation II of 1801 ...	A Regulation for the more speedy and effectual Administration of Justice in the Courts of Sadr Díwání and Nizámat Adálat.
Regulation VIII of 1803 ...	A Regulation for extending the Jurisdiction of the Nizámat Adálat to the Provinces ceded by the Nuwáb Vizier to the Hon'ble the English East India Company.
Regulation XXVI of 1803 ...	A Regulation prescribing Rules for the Sale and Division of Lands paying revenue to Government in the Provinces ceded by the Nuwáb Vizier to the Hon'ble the English East India Company.
Regulation XXXV of 1803 ...	A Regulation for the establishment of an efficient System of Police in the Provinces ceded by the Nuwáb Vizier to the Hon'ble the English East India Company.
Regulation XVII of 1805 ...	A Regulation for modifying the Rules contained in Regulation VIII. 1793, respecting the Management of joint undivided Estates.
Regulation X of 1806 ...	A Regulation for extending to the Judicial Department such Parts of Regulation VIII. 1806, as are applicable to Charges or Information against the European Public Officers employed in that Department, and for making further provision in such Cases.
Regulation XIV of 1807 ...	A Regulation for amending the System of Police established in the Province of Benares and in the Ceded and Conquered Provinces within the Divisions of Bareilly and Benares; also for extending to those Provinces the provisions contained in Regulation XII. 1807, for the Appointment of Amíns of Police.
Regulation IV of 1808 ...	A Regulation for the Appointment and Administration of the Office of Kanungo in the Ceded and Conquered Provinces, and in the Province of Benares.

SCHEDULE I,—*continued.*

No. and year of Regulation.	Title.
Regulation V of 1808 ...	A Regulation to explain and declare the Intent and Meaning of certain Clauses in the existing Regulations respecting the Settlement of the Land Revenue in the Ceded Provinces.
Regulation VII of 1808 ...	A Regulation for completing the Registers of Lands held free of Assessment in the Ceded and Conquered Provinces in the Dóáb and on the left Bank of the River Jumna and in the Territory ceded by His Highness the Peishwa to the British Government in Bundelcund.
Regulation XI of 1808 ...	A Regulation for the Adjustment of the Rent payable by the Heirs of invalid jágírdárs.
Regulation III of 1809 ...	A Regulation for the Support of the Police in the Cantonments and Military Bazaars; for defining the Powers of the Civil and Military Officers in the Performance of their Duty, and for fixing the Local Limits of the said Cantonments and Bazaars.
Regulation XIII of 1811 ...	A Regulation for the more convenient and efficient Discharge of the Duties of the Board of Revenue.
Regulation XIV of 1812 ...	A Regulation for modifying, in certain cases, the Rule contained in Section II., Regulation V. 1812, regarding the Grant of Leases by the Proprietors of Lands in the Ceded and Conquered Provinces to their Tenants.
Regulation I of 1815 ...	A Regulation for securing the Right of the British Government to assess land held under muqarrarí or istimrár grants of any preceding Government, on the Decease of the Holders thereof.
Regulation VI of 1817 ...	A Regulation to explain the Purport and Intent of the Provision contained in Section II., Regulation XXIV. 1803.
Regulation XIII of 1817 ...	A Regulation for establishing the Office of Kanungo in the District of Midnapúr and in the Mehâls subject to the Authority of the Collector of Hidgellee, and for extending to the said District and Mehâls the operation of Regulation XII. 1817.
Regulation XVIII of 1817 ...	A Regulation to modify the Rules in Force which prescribe an Oath of Office to be taken by certain Native Officers; and to explain and amend other Provisions relative to the Native Ministerial Officers and Law Officers of the Civil and Criminal Courts.
Regulation XXIV of 1817 ...	A Regulation for modifying the Constitution of the Commission established in the Provinces of Behar and Benares, and in the Districts of Ramghur, Bhaugulpúr and Purneah; for extending the Authority of the said Commission to the Districts of Dinajpúr and Rangpúr, and for better defining the Powers to be exercised in certain cases by a single Member of the Board of Revenue or Commission vested with the Authority of that Board.
Regulation I of 1818 ...	A Regulation for establishing the Office of Kanungo in the Districts of the Twenty-four Parganas,—Nuddea, Jessore, Dacca, Jalalpúr and Backergunj;—and for extending to the said Districts the Operation of Regulation XII. 1817.
Regulation VII of 1818 ...	A Regulation for rescinding such Parts of the existing Regulations as relate to the Conduct of the Trade of Foreign Nations to the Ports and Settlements of the British Nation in the East Indies;

SCHEDULE I,—*concluded.*

No. and year of Regulation.	Title.
	and for better giving effect to a Regulation in that behalf enacted by the Honourable the Court of Directors of the United Company of Merchants of England trading to the East Indies.
Regulation I of 1819 ...	A Regulation for replacing the Districts of Dinajpúr and Rangpúr under the Management of the Board of Revenue; and for extending the Authority of the Board of Commissioners in Behar and Benares to the District of Goruckpúr; for re-establishing Kanungos and reforming the Office of Patwárí throughout the Province of Bengal; and for explaining and modifying certain Parts of Regulation XII. 1817.
Regulation IV of 1821 ...	A Regulation for authorizing a Collector of Land Revenue, or other Officer employed in the Management or Superintendence of any Branch of the Territorial Revenues, to exercise, in certain Cases, the Powers of Magistrate, or Joint Magistrate; and for authorizing a Magistrate or Joint Magistrate, or Assistant to a Magistrate, to exercise, in certain Cases, the Powers of a Collector of Land Revenue or of any other Officer employed in the Management or Superintendence of any Branch of the Territorial Revenues: also for explaining the Duties of an Assistant Collector of Revenue, and for defining the Duties and Powers vested in Assistant Collectors or other Officers appointed to the Charge of the Revenues of Parganas or other Local Divisions, or employed in the Performance of any Portion of the Functions ordinarily belonging to the Collector of Land Revenue.
Regulation II of 1822 ...	A Regulation for modifying certain Provisions in the existing Regulations relative to the Officers employed in the Collection of the Government Customs and Town Duties.
Regulation IX of 1826 ...	A Regulation for transferring the Superintendence of the Custom House at Patna from the Board of Revenue in the Central Provinces to the Board of Customs at the Presidency; and for vesting the latter Board with the Control of the other Customs in the Central and Western Provinces, and in the Province of Cuttack concurrently with the Central and Western Boards of Revenue or the Commissioner of Cuttack respectively.
Regulation I of 1827 ...	A Regulation for rescinding Regulation I. 1796, and providing a Special Form of Trial for the Mountaineers of Bhaugulpúr; also for investing the Magistrate of Bhaugulpúr with Summary Powers for the Adjustment of certain Civil Claims.
Regulation IX of 1828 ...	A Regulation for amending the Rules in Force in Regard to Special or Second Appeals, instituted *in Formâ Pauperis*.
Regulation II of 1830 ...	A Regulation for rescinding and re-enacting, with Modifications, the Provisions contained in Regulation VII. 1818, for regulating the Trade of Foreign Nations with the Ports and Settlements of the British Nation in the East Indies.
Regulation VII of 1832 ...	A Regulation for modifying certain of the Provisions of Regulation V. 1831, and for providing Supplementary Rules to that Enactment.
Act XXXIII of 1850 ...	An Act for amending the forms necessary for the sale of patní tenures in Bengal.

SCHEDULE II.

Regulations partly repealed.

No. and year of Regulation.	Title.	Extent of repeal.
Regulation II of 1793...	A Regulation for abolishing the Courts of Mâl Adálat or Revenue Courts, and transferring the trial of the suits which were cognizable in those Courts to the Courts of Díwání Adálat, and prescribing rules for the conduct of the Board of Revenue and the Collectors.	Section 1. Section 2. In section 4 the words "published in the manner directed in Regulation XLI of 1793." Section 8, clauses 11 and 12. So much of sections 9, 10, 14, 15, 16, 18 and 19 as relates to dewans. Sections 21 and 22. In section 24 the words "by a Regulation published in the manner directed in Regulation XLI of 1793, or." In section 27, from and including the words "and their sanction," down to the end of the section. Sections 30 and 31. In section 46, from and including the words "they are likewise prohibited," to the end of the section. Sections 47 and 48.
Regulation III of 1793	A Regulation for extending and defining the jurisdiction of the Courts of Díwání Adálat or Courts of Judicature for the trial of civil suits in the first instance, established in the several zilas, and in the cities of Patna, Dacca and Moorshedabad.	Section 1, and in sections 3, 5 and 6 the words "and city."
Regulation VI of 1793...	A Regulation for receiving, trying, and deciding suits or complaints declared cognizable in the Courts of Díwání Adálat established in the several zilas, and in the cities of Patna, Dacca and Moorshedabad.	In section 9 the words "the Provincial Courts of Appeal or." Sections 22 to 25, both inclusive.
Regulation VIII of 1793	A Regulation for re-enacting, with modifications and amendments, the rules for the decennial settlement of the public revenue payable from the lands of the zamíndars, independent taluqdárs, and other actual proprietors of land in Bengal, Behar and Orissa, passed for those Provinces respectively on the 18th September 1789, the 25th November 1789, and the 10th February 1790, and subsequent dates.	Sections 16, 17 and 18. In section 20 the words "and elect a joint manager under the restrictions hereafter mentioned." Sections 28, 29, and in section 35 from and including the words "those resolutions," down to the end of the section. Sections 42, 48, 61 and 67, except clause 5. Sections 68 to 99, both inclusive. Sections 100 and 101.
Regulation IX of 1793...	A Regulation for re-enacting, with alterations and modifications, the Regulations passed by the Governor General in Council on the 3rd December 1790 and subsequent dates, for the apprehension and trial of persons charged with crimes or misdemeanors.	In section 3 the words "the special jurisdiction of the Magistrates of the cities of Patna, Dacca and Moorshedabad is to extend throughout those cities, respectively, and the places adjacent that now are or may be subjected to their immediate authority" * * * * * * * * (and in sixth and following lines) "that the special jurisdiction of the Magistrates of the zilas of Behar Proper, Dacca, Jelalpúr and Moorshedabad, be not held to extend to the cities of Patna, Dacca or Moorshedabad, nor to any places adjacent thereto which now are or may be included in the special jurisdiction of the Magistrates of those cities; and." Sections 66, 68, 69 and 70.
Regulation XI of 1793...	A Regulation for removing certain restrictions to the operation of the Hindú and Muhammadan laws, with regard to the inheritance of landed property, subject to the payment of revenue to Government.	In section 3 the words "in the manner directed in Regulation XXV, 1793." Section 4. Section 5, except the words "nothing contained in this Regulation is to be construed to" (in the first line), and in section 6, first line, the words "Nor to."
Regulation XIV of 1793	A Regulation for the recovery of arrears of the public revenue assessed upon the lands, from zamíndárs, independent taluqdárs, and other actual proprietors of land, and farmers of land holding farms immediately of Government.	So much of sections 3, 4, 5, 6 and 8 as relates to the confinement of the person or attachment of the lands of defaulting proprietors paying revenue direct to the Collector. So much of sections 16, 19, 21, 29, 30, 31, 39 and 42 as relates to Provincial Courts of Appeal. In section 24, twelfth line, the words "have obtained the," and in thirteenth line "of the Governor General in Council for," also from and including "the Board of Revenue" in the thirty-fourth line, to close of same section. Sections 38 and 39. In section 45 from and including "be or reside" in second line, down to and including "shall" in fourteenth line. Section 46. In section 48 from and including "the confinement" in second line, down to and including "Nor" in fourth line.
Regulation XVIII of 1793.	A Regulation for preserving complete the records of the civil and criminal courts of judicature, and requiring the zila and city courts to transmit monthly reports of the suits decided by them to the Provincial Courts of Appeal, and directing the Provincial Courts of Appeal to submit monthly reports of the appeals and causes decided by them to the Sadr Díwání Adálat.	In section 1 from and including "and that the" in third line, down to and including "Adálat" in last line of the section. In section 2 from and including "and in" in second line, down to and includnig "circuit" in fourth line. In section 4, line six, the words "register and assistant to the," also "and cities" * * * and in the seventh and eighth lines "the Provincial Courts of Appeal and the Courts of Circuit, and."

SCHEDULE II,—*continued.*

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
		In section 8 the words "printed and published in the manner directed by Regulation XLI of 1793."
		In section 9 the words "and at the cities of Patna, Dacca and Moorshedabad."
Regulation XIX of 1793	A Regulation for re-enacting, with modifications, the rules passed by the Governor General in Council on the 1st December 1790, for trying the validity of the titles of persons holding or claiming a right to hold lands exempted from the payment of revenue to Government, under grants not being of the description of those termed Bádsháhí or Royal; and for determining the amount of the annual assessment to be imposed on lands so held, which may be adjudged or become liable to the payment of public revenue.	Section 18.
		Sections 24 to 26, both inclusive.
		Sections 29 to 33, both inclusive.
		So much of section 35 as relates to the Provincial Court of Appeal.
		Sections 45 and 46.
Regulation XXI of 1793	A Regulation for establishing in each zila an office for keeping the records in the Native languages which relate to the public revenue, and prescribing rules for the conduct of the keepers of the records.	Section 3, and in section 4 from and including the words "the accounts" in eighth line, down to the end of the section.
		In section 8 the words "printed and published in the manner specified in Regulation XLI. 1793."
Regulation XXIV of 1793.	A Regulation for re-enacting, with modifications, the Rules passed by the Governor General in Council on the 10th June 1791, for determining the continuance, or discontinuance of the pensions heretofore paid by the proprietors and farmers of land, but included in the jama or revenue payable to Government at the decennial settlement, and also of the pensions heretofore paid from the sayer abolished.	Sections 2, 3, 4, 5, 6, 7, 8 and 9, and in section 10 the words "on adjudging any pension not exceeding fifty sicca rupees per annum or" in the first and second lines; also in third line the words "on appeal," and in eighth line "by himself."
Regulation XXVI of 1793.	A Regulation for extending the term of minority of Muhammadan and Hindú proprietors of land paying revenue to Government to the expiration of the eighteenth year.	In section 3 from and including the words "for the management," to the end of the section.
Regulation XXXVII of 1793.	A Regulation for re-enacting, with modifications, the rules passed on the 23rd April 1788,	In section 2, clause 1, the words "to the satisfaction of the court," and in clause 2, fourth line, the words "to the satisfaction

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
	and subsequent dates, for trying the validity of the titles of persons holding, or claiming a right to hold, altumgah jágír, and other lands, exempt from the payment of public revenue, under grants termed Bádsháhí or Royal, and for determining when certain grants of that description shall be considered to have expired, and for fixing the amount of the public revenue to be assessed upon the lands, the grants for which may expire, or be adjudged invalid.	of the court in which the suit may be instituted in the first instance, or to which it may be appealed."
		Section 2, clause 2.
		Section 3, clause 2.
		In section 10 the words "and the suits which the Board of Revenue may direct the Collectors to institute" * * * * and "or prosecuted" in tenth line, also in nineteenth line the words "or carried on," in fifteenth and sixteenth lines "to the Provincial Court of Appeal or from the decision of the Provincial Court," in seventeenth and eighteenth lines "in the event of their ordering the cause to be appealed to the Provincial Court and of its being given against them therein," and in nineteenth line "in both cases."
		Section 13.
		Section 20.
		In section 23 from and including the words "and he will be liable to be sued," to end of section.
		Sections 24 to 41, both inclusive.
Regulation XXXVIII of 1793.	A Regulation for re-enacting, with modifications, such part of the rule passed on the 27th June 1787 as prohibits Covenanted Civil Servants of the Company employed in the administration of justice, or the collection of the public revenue, lending money to zamíndárs, independent taluqdárs, or other actual proprietors of land, or dependent taluqdárs, or farmers of land holding farms immediately of Government, or the under-farmers or ryots of the several descriptions of proprietors and farmers of land above-mentioned, or their respective sureties; and for re-enacting, with alterations, the existing rules prohibiting Europeans of any description holding possession of lands that may be mortgaged to them, or purchasing or renting lands for erecting houses or buildings, for carrying on manufactures or other purposes, without the sanction of the Governor General in Council.	In section 2 the words "and city" in first line, also the words "the Judges of the Provincial Courts of Appeal and the Courts of Circuit, and the Registers to their respective Courts."

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
Regulation XLVIII of 1793.	A Regulation for forming a quinquennial register of the landed estates in Bengal, Behar and Orissa, subject to the payment of revenue to Government, and of the amount of the fixed annual revenue payable to Government from each estate.	Section 15. In section 24, clause 2, the words "and city," also so much of sections 18 and 24 as relates to Provincial Courts of Appeal. Section 24, clause 7. Sections 25 and 28.
Regulation III of 1794...	A Regulation for exempting proprietors of land (with certain exceptions) from being confined for arrears of revenue, and for prescribing the process by which tahsíldárs are to demand payment of arrears; and for enabling the Collectors to recover from Native officers employed under them, public money or papers which they may embezzle or retain; and for expediting the trial of causes relating to the public revenue or the rents of individuals.	Section 8. Section 11. In section 14 the words "excepting the rules in the several sections of that Regulation which are rescinded by section XI." Sections 15 to 22, both inclusive.
Regulation I of 1795 ...	A Regulation for fixing in perpetuity the revenue assessed on the lands in the Province of Benares; for the more general restoration of the ancient zamíndars; and for extending to the Province of Benares the rules prescribed in Regulation XLI. 1793.	In section 3, clauses 3 and 4, the words "and printed and published in the manner prescribed in Regulation XLI. 1793;" and in clause 5 of the same section the words "which may be printed and published in the manner prescribed in Regulation XLI. 1793. In section 4 from the commencement down to and including "it is hereby declared that" (inclusive), and in the same line the word "such."
Regulation VI of 1795	A Regulation prescribing the process by which the Collector and the Tahsíldárs are to realize the public revenue payable from the lands in the Province of Benares.	So much of sections 3, 4, 5, 7, 8, 10, 11, 14, 15 and 16 as enforces the issue of process against the person of a defaulter on the occurrence of an arrear of revenue, or relates to the amount of talbána to be paid to peons for the service of process, or to the establishments to be entertained for such service. So much of sections 16, 23, 26 and 28 as relates to City Courts or Provincial Courts of Appeal. Sections 35 to 53, both inclusive.
Regulation VIII of 1795	A Regulation for extending to the Province of Benares, with alterations and modifications,	So much of section 10 as relates to the city and Provincial Courts.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
	Regulation IV, 1793, entitled "a Regulation for receiving, trying and deciding suits or complaints declared cognizable in the Courts of Díwání Adálat established in the several zilas, and in the cities of Patna, Dacca and Moorshedabad;" and for exempting the Rájá of Benares and the Bábus of his family, and certain bankers when defendants, from giving the security required from other defendants.	
Regulation XV of 1795...	A Regulation for extending to the Province of Benares Regulation XVI. 1793, entitled "a Regulation for referring suits to arbitration and submitting certain cases to the decision of the Nazim," with the exception of section 10; and for referring certain cases to the decision of the Rájá of Benares.	In section 3, the words "or to the Provincial Court of Appeal."
Regulation LVIII of 1795.	A Regulation for granting to the Collectors a commission on the jama of lands which may be subjected to the payment of revenue under section 26, Regulation XIX. and section 21, Regulation XXXVII. 1793, and section 26, Regulation XLI. and section 21, Regulation XLII. 1795; and for determining on what amount such commission, and the commission granted to Collectors in cases of lands being adjudged liable to the payment of revenue in consequence of prosecutions, shall be calculated; and for requiring the zila and city courts in the four Provinces to transmit to the Collectors and the Board of Revenue copies of certain decrees in suits between individuals respecting the right to land exempted from the payment of revenue; and for defining of what decrees regarding malguzárí land, the zila and city courts are to furnish the Collectors and the Board of Revenue with copies, under	Sections 1, 2 and 3.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
	section 9, Regulation IV, 1793, and section 4, Regulation VIII. 1795.	
Regulation XV of 1797	A Regulation for levying certain fees to defray the expense of the offices for keeping the records in the Native languages which relate to the public revenue, established under Regulations XXI. 1793, and XXX. 1795.	In section 2, clause 2, the words and figures "that may take place under Regulation XXV. 1793 or XXVI. 1795." In section 7, the words and figures "in Regulation XXV. 1793 or XXVI. 1795 (according to the Province in which the lands may be situated)."
Regulation I of 1799 ...	A Regulation for declaring a general freedom of trade in chunam and other articles on the frontier of Sylhet, subject to certain provisions.	In section 6 from and including "with this difference," to end of section. Section 7.
Regulation V of 1799...	A Regulation to limit the interference of the zila and city courts of Díwání Adálat in the execution of wills and administration to the estates of persons dying intestate.	In section 2 the words and figures "in the form prescribed by Regulation XLI. 1793."
Regulation VII of 1799	A Regulation for enabling proprietors and farmers of land to realize their rents with greater punctuality; for providing against unnecessary delay in the payment of the public revenue assessed upon the lands; and for securing the ultimate recovery of arrears of revenue by sale of the landed property from which it may be due at the close of the year.	Section 22. Section 23, clause 8. In section 24 from and including "As however," in sixth line to end of section. Sections 29, 30 and 31.
Regulation II of 1800	A Regulation for laying open to public use the stone quarries at Chunar, Gházípúr, and Mirzapúr, in the Province of Benares, subject to a fixed duty.	In section 2 from and including the words "not being British-born subjects" down to and including "1793" in fifth line. In section 8 the words and figures "which are exempted from the customs by section X., Regulation III. 1795."

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
		Section 9. In section 10 from and including "and besides an oath" in third line down to and including "accounts" in ninth line. In section 12 the words "or the city of Benares" in the twenty-fourth line, and "of the city of Benares" in the thirty-third and thirty-fourth lines. Section 15.
Regulation V of 1800...	A Regulation for extending to the Province of Benares the rules contained in Regulation VII. 1799, for enabling proprietors and farmers of land to realize their rents with greater punctuality; as well as such other parts of the above Regulation as are applicable to the Province of Benares.	In section 23 the words "and City" in tenth line, also in thirty-seventh line from and including the words "As however" to the end of the section. In section 26 from and including the words "but a" in twelfth line, to the end of the section. Sections 27 and 28.
Regulation VIII of 1800	A Regulation for preparing a general pargana register of lands; and for certain alterations in the prescribed registers of estates paying revenue, and lands held exempt from the payment of revenue.	In section 18 the words "The officers so appointed, or who may be hereafter appointed, for the purposes specified in the preceding section, shall not be removeable without proof of misconduct, to the satisfaction of the Governor General in Council." Sections 16 to 19 (both inclusive). Section 22.
Regulation I of 1801 ...	A Regulation to explain and amend part of the rules for collecting the public revenue contained in Regulations VII, 1799, and V, 1800; to expedite the sale of lands for arrears of revenue; to limit the division of property by such sales; to explain and amend the rules contained in Regulation XXV, 1793 (extended to Benares by Regulation XXVI, 1795), for the division of joint estates, and allotment of the fixed assessment thereupon; and to fix a period for the operation of such part of Regulation VIII, 1793, as authorizes the separation of certain talúqs from the zamíndarís to which they were attached at the time of the decennial settlement.	Section 9. The last sentence of section 14. In section 15 from and including the words "and, in like manner," to end of section.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
Regulation XXIV of 1803.	A Regulation for trying the validity of titles of persons receiving, or claiming a right to receive, pensions under the denominations of saleáná, rozená, or any other description of grant in the Provinces ceded by the Nuwab Vizier to the Honourable the English East India Company.	Sections 4, 5, 17, 18 and 19.
Regulation XXX of 1803	A Regulation prescribing rules for the grant of pottas by the landholders in the Provinces ceded by the Nuwab Vizier to the Honourable the English East India Company, to their under-farmers, tenants, and ryots.	Sections 11 and 12.
Regulation I of 1804 ...	A Regulation for the better management of the invalid jaghírdar establishments, and of the invalid pension establishments.	Sections 1 to 19, both inclusive. Sections 21 and 27.
Regulation V of 1804...	A Regulation to provide for the appointment and removal of the Native officers of Government in the judicial, revenue, and commercial departments, and in the departments of salt, opium, and customs; also to make further provision for administering the oath prescribed by the Statute 33rd Geo. III, cap. 52.	Sections 2, 3 and 4. So much of section 5 as relates to Provincial or City Courts, the board of trade, and the commercial residents and agents, as also the words from "and to transmit," &c., in tenth line to end of section. Sections 6 and 7. So much of sections 8, 9 and 10 as relates to Provincial or City Courts, the board of trade, the commercial residents and agents, law officers and cauzies, or require any communication to be made to Government in regard to the appointment, removal, or resignation of any of the officers referred to in this Regulation. Sections 11, 12 and 13. So much of sections 14, 15, 16, 17, 18, 20, 21, 22 and 23 as relates to Provincial or City Courts, the Board of Trade, and the commercial residents and agents or departments. Sections 25 and 26.
Regulation X of 1804...	A Regulation for declaring the powers of the Governor General in Council to provide for the immediate punishment of certain offences against the State by the sentence of Courts Martial.	In sections 4 the words and figures "under Regulation IV. 1799, and Regulation XX. 1803."

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
Regulation XII of 1805	A Regulation for the settlement and collection of the public revenue in the zila of Cuttack, including the parganas of Puttespúr, Kummardichour, and Bograe, at present included in the zila of Midnapúr.	Sections 12, 13 and 14.
Regulation XIII of 1805	A Regulation for the maintenance of the peace and for the support and administration of the Police in the zila of Cuttack; and for amending certain provisions contained in Regulation IV. 1804.	Section 12. In section 13 the words and figures "and likewise such of the rules contained in Regulation IV., 1804, as are not either specifically or virtually rescinded by the present Regulation."
Regulation VI of 1806	A Regulation for the more effectual repair of embankments.	Sections 2, 3, 4, 5, 7 and 8. From the commencement of section 9 down to and including the word "and" in the seventh line. Section 10. In section 12, clause 2, from "the several committees" in fourth line, to the end of the clause; also clause 5.
Regulation XI of 1806	A Regulation for facilitating the progress of detachments of troops through the Company's territories; for affording any requisite assistance to persons travelling through those territories; and for extending the rules contained in sections 68 and 72, Regulation XXII. 1795, in clauses fifth and sixth, section 14, Regulation VIII. 1805, and in section 31 of that Regulation, to the whole of the Company's Provinces subject to the immediate Government of the Presidency of Fort William; for the guidance of the civil officers in applying for guards from the regular battalions; and for modifying the rule contained in clause 1, section 12, Regulation I. 1804.	Sections 9 to 19, both inclusive.
Regulation XVII of 1806.	A Regulation for extending to the Province of Benares the rates of interest on future loans, and provisions relative thereto contained in Regulation XV. 1793; also for a	In section 1 from and including the words "As however," down to and including the word "Presidency" in the fifteenth line. Sections 2, 3, 4, 5 and 6.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
	general extension of the period fixed by Regulation I, 1798, and XXXIV. 1803, for the redemption of mortgages and conditional sales of land under deeds of bye-bil-wuffa kut-cubaleh, or other similar designation.	
Regulation XXI of 1806	A Regulation for making certain alterations in the office of tahsíldár in the Province of Benares, and in the Ceded and Conquered Provinces, on the death, resignation, or removal of any persons by whom those offices are at present held.	In section 2 from and including the words "The Magistrate of," to the end of the section. In sections 2 and 3 the words "both as receivers of the public revenue and as officers of police." Section 5.
Regulation XXII of 1806.	A Regulation for modifying the rules hitherto observed in the admission and payment of claims to pensions.	Section 1. In section 2 the words "to the Honourable Company" in line 2, and in line 5 the word "sicca."
Regulation VII of 1807	A Regulation for making certain alterations in the provisions which have hitherto been in force in the Province of Benares, respecting persons paying or wishing to pay, their revenue directly to the Treasury or the Collector, instead of paying it through the medium of a tahsíldár.	Section 2. So much of section 5 as has not been repealed.
Regulation VIII of 1809	A Regulation for modifying parts of the rules in force respecting the appointment and removal of the Native officers of Government in the judicial, revenue, and commercial departments.	So much of sections 1 and 2 as relates to the Provincial or City Courts of Appeal, the Board of Trade, and the commercial residents and agents or departments, as well as the law officers and cauzies. Section 5, clauses 1, 2, 3 and 4. Sections 6 and 7. In section 10 the words "and commercial," also clause 2; in clause 3, sixth line, the words "and Board of Commissioners," in same line from and including the words "in like manner" to the end of the clause; in clause 4 the words "commercial residents and agents;" in clause 5 the words "the commercial residents and agents," also in same clause from and including the words "provided that" to the end of the clause. Sections 11 and 12.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
Regulation VI of 1810	A Regulation for defining the penalties to which zamíndárs and others shall be subject for neglecting to give due information of robberies, and for harbouring robbers.	Section 6.
Regulation XVI of 1810	A Regulation to amend the existing rules for the appointment of zila and city Magistrates; to provide for the appointment of Joint and Assistant Magistrates; and to alter the provisions in force for the payment of a fixed reward on the conviction of public offenders.	In section 1 from the beginning down to and including the word "Magistrate" in sixth line, the word "also" in same line; in thirteenth line from and including the words "and to obviate" down to and including "conviction" in sixteenth line; in the eighteenth and nineteenth lines the words "when no specific reward may have been offered for the performance of such service." The whole of section 2, except the following words in the second clause:—"Whenever it is considered expedient to appoint a person to hold the office of Magistrate, the Governor General in Council will make such appointment." In section 3 from commencement down to and including the word "that" at the end of the fourth line, and the words "as heretofore" in sixth line. Sections 11 to 15, both inclusive.
Regulation XX of 1810	A Regulation for subjecting persons attached to the military establishments to martial law in certain cases, and for the better government of the retainers and dependants of the army receiving public pay on fixed establishments, and of persons seeking a livelihood by supplying the troops in garrison, cantonment, and station military bazaars, or attached to bazaars of corps.	Section 1. In section 3 the words "second article of the twenty-fourth section of His Majesty's, or the second article of the fifteenth section of the Honourable Company's." Section 5. In section 20 from and including the words "in the meantime" in the sixteenth line to the end of the section.
Regulation II of 1811	A Regulation for amending the existing rules for the support of invalid Native commissioned and non-commissioned officers.	Sections 1 and 2.
Regulation XI of 1811...	A Regulation for extending the period fixed by the existing Regulations for revising the jama on lands ordered to be divided into two or more estates.	Section 2. In section 4, clauses 1 and 2, the words "or Board of Commissioners."

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
Regulation III of 1812	A Regulation for amending some of the rules at present in force in regard to the conduct of enquiries into charges of a criminal nature, and for establishing additional provisions with a view to the more effectual apprehension of criminals.	In section 1 from commencement down to and including the word "and" in seventh line, and from and including the words "it being" in tenth line, down to and including "Police" in seventeenth line. Sections 5 and 7. In section 9, clauses 1 and 2, and from commencement of clause 3, down to and including the word "it" in third line of that clause; also clauses 7 and 8.
Regulation V of 1812...	A Regulation for amending some of the rules at present in force for the collection of the land revenue.	In section 1 from and including the words "and also" in third line, down to and including the word "interest" in fifteenth line. In section 2 from commencement down to and including the word "and" in fifth line. In section 3 from commencement down to and including the word "the" in sixth line. Sections 24, 25, 26 and 27.
Regulation IX of 1812	A Regulation for modifying some of the rules before enacted regarding the settlement of the Ceded Provinces.	Section 2. In sections 4 and 5 the words "of Commissioners."
Regulation X of 1812	A Regulation for modifying some of the rules before enacted regarding the settlement of the Conquered Provinces lying on the right and left banks of the River Jumna of the Territory Ceded by His Highness the Peishwa in Bundlecund, and of the District of Cuttack.	Section 2. In sections 4 and 5 the words "of Commissioners."
Regulation XI of 1812	A Regulation to empower the Governor General in Council to order the removal of emigrants from foreign countries, and their descendants from any	In section 1 from the commencement down to and including "and" in eleventh line, and the words "in consequence" in same line; also the words "the said bodies of" in thirteenth line, and the words "from

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
	place in the vicinity of the frontier of the State from which they may have emigrated; and, in certain cases to place and detain any such persons in safe custody; and likewise to provide for the trial of emigrants and their descendants who may excite disturbances in the countries from which they may have emigrated, and of persons aiding them in the prosecution of such attempts.	the frontiers of the territory of Arracan" in the same line. In section 2 the words "from Arracan or emigrants from any other State."
Regulation XVIII of 1812	A Regulation for explaining section 2, Regulation V, 1812, and rescinding sections 3 and 4, Regulation XLIV, 1793, and sections 3 and 4, Regulation L. 1795, and enacting other rules in lieu thereof.	Section 1, and first clause of section 3.
Regulation II of 1813...	A Regulation for preventing Native officers from making use of public money entrusted to their care.	Sections 3 and 4.
Regulation XI of 1813	A Regulation for modifying some of the rules before established respecting the payment of pensions, and for preventing the abuses committed in the receipt of pensions.	Section 2, and first clause of section 3. In clause 2, section 3, the words "likewise" in first line and "said" in second line. Section 5. In section 6, the words or "Board of Commissioners."
Regulation XIX of 1814	A Regulation for reducing to one Regulation, with alterations and additions, certain Regulations respecting the partition of estates paying revenue to Government.	So much of sections 1, 4, 17, 19, 20, 21, 27, 30, 32 and 35 as refers to the Board of Commissioners. Section 2. Section 23.
Regulation XXI of 1814	A Regulation for preventing the zila and city Judges and Collectors of the public revenue from employing their Native creditors on their respective establishments.	In section 2 the following words in third and fourth lines "of salt or," in sixth line "and trade of the Board of Commissioners," and in seventh line "appeal and."

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
Regulation XI of 1816	A Regulation for receivng, trying, and deciding claims to the right of inheritance or succession in certain tributary estates in zila Cuttack.	Sections 4, 6, 9 and 10. In section 12 the words and figure "under section X."
Regulation XVII of 1816	A Regulation for the occasional revision of the regular police and jail establishments; for the due support and regulation of the establishments of chaukídárs; for amending the rules in force for the appointment and removal of police officers; for modifying the constitution of the offices of the Superintendents of Police; and for reducing the miscellaneous business of Courts of Circuit, and Court of Nizámat Adálat.	In the second line of section 1 the words "and jail." In seventh and eighth lines of same section the words the figures "on the principles of the provisions of Regulation XIII. 1813." In section 2, clause 1, the words "or jail guards," and in clause 2 of same section the words "and jail;" in section 3, the words "or jail." In section 4 the words "on the principles of the provisions of Regulation XIII. 1813." Sections 6, 7 and the unrepealed clauses of section 8. Section 14. In section 16 from and including the words "and Board" to the end of the section. Section 17, clauses 4 and 5. Section 18. Section 20.
Regulation V of 1817...	A Regulation for declaring the rights of Government and of individuals with respect to hidden treasure, and for prescribing the rules to be observed on the discovery of such treasure.	In section 2 the word "sicca." In section 5 the following words:—"of Commissioners, or the Commissioners in Behar and Benares, or the Board of" * * * * in second and third lines, "in conformity with the foregoing provision" in the fourth line, and "pursuant to the prescribed notification" in the seventh line. In section 6 the words "within the period limited by the notification directed in section IV. of this Regulation," and the word "sicca" in the sixth line of this section, and the second and fifth lines of section 7. In sections 6, 8 and 9 the words "or city." In section 8 the words "or the Board of Commissioners in the Western Provinces, or the Commissioners in Behar and Benares." In section 9 the words "to the Provincial Courts." Section 10.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
Regulation XII of 1817	A Regulation for securing the better administration of the office of patwárí in the Ceded and Conquered Provinces, the Provinces of Behar and Benares, the District of Cuttack, the Pargana of Puttaspúr, and its dependencies.	Section 2. In section 8 the words "the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be," and in the eighth line "or Commissioner." In section 11 the words "the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be." In section 13 the words "the Board of Commissioners, or the Commissioner in Behar and Benares." In section 15 the words "the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be." In section 16 the words "the Board of Commissioners, or the Commissioner in Behar and Benares." In section 17 the words "Board of Commissioners, or Commissioner in Behar and Benares." Sections 26, 27, 28 and 30. In section 31 the words "the Board of Commissioners, or the Commissioner in Behar and Benares, according as he may be subject to one or the other of those authorities, * * *" also in same section the words "and Commissioner aforesaid." In section 32 from and including the words "and if" in fourth line to end of the section. In section 33 the words "the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be," also in thirteenth line the words "or Commissioner." In fourteenth and fifteenth lines, figures and word "XXVI. and XXVII.," and from and including the words "and the" in the fifteenth line to the end of the section. In section 35 the words "the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be," and in fifth line the words "or Commissioner."
Regulation XVI of 1817	A Regulation for imposing a duty on foreign opium imported by sea into any port or place within the limits of the territories immediately dependent on the Presidency of Fort William.	In section 1 the words "with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India."
Regulation XX of 1817	A Regulation for reducing into one Regulation, with amendments and modifications, the	Sections 2 and 3.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
	several rules which have been passed for the guidance of darogás and other subordinate officers of Police; for modifying the existing rules concerning the resistance or evasion of criminal process; and for requiring further aid to the Police in certain cases, from proprietors and farmers of land and their local managers, as well as from the munduls and other heads of villages.	In section 4, clause 4, the words and figures "in pursuance of sections VI. and VII. Regulation X. 1808, sections VIII. XI. and XII. Regulation XVI. 1810, and section XI. Regulation XVII. 1816." In section 5, clause 2, from and including the words "they shall" in the fifth line to the end of the clause. In section 10, clause 8, the words "by the Native commissioners for the trial of civil suits," and in last line of same clause the words "to the Native commissioners." In section 21, clause 10, from and including the words "Any head man," &c., in twelfth line to the end of the clause. In section 28, clause 2, the words and figures "as directed in section XXIV. Regulation X. 1813." In section 29, the following words:—"weaver," "molungee," "engaged in the provision of the Company's investment, or," "commercial," "commercial resident, salt or," "aurungee" or "chokí," "or any other manufacturer or any," wherever they occur in the first four clauses of this section; also the whole of the fifth, sixth, seventh and eighth clauses of the same section. Section 30, clauses 2 and 3, section 31, the 3rd clause of section 33, and the unrepealed forms appended to this Regulation.
Regulation III of 1818	A Regulation for the confinement of State prisoners.	In section 9 the words "to the Provincial Court of Appeal and Circuit."
Regulation II of 1819...	A Regulation for modifying the provisions contained in the existing Regulations regarding the resumption of the revenue of lands held free of assessment under illegal or invalid tenures and for defining the right of Government to the revenue of lands not included within the limits of estates for which a settlement has been made.	Section 2. Section 3, clause 2. Sections 5, 6, 8, 10 and 11. Sections 12 and 14. Section 13, clause 3. In section 19 from and including the word "conformably" in the fourth line to the end of the section. In section 20 the words "in a Persian rúbakárí," and in the seventh line "aforesaid." In section 21 the words "in a Persian rúbakárí." Sections 22 to 28, both inclusive.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
		In section 29 the words "subject to an appeal to the Courts of Judicature in the manner prescribed by this Regulation in cases in which the Board may direct the assessment of land held free of assessment." In section 30, clause 1, the words "and the petition shall be written on stamped paper of the value prescribed for petitions of plaint in suits instituted in those courts;" also in clause 7 the words "by a petition written on stamped paper of the value of one rupee."
Regulation VI of 1819	A Regulation for rescinding Regulation XIX, 1816, and for enacting other provisions in lieu thereof.	Section 2 from the beginning down to and including "specified" in the first line of the second clause. In section 10 the words and figures "by section VII. Regulation XVIII. 1817."
Regulation VIII of 1819	A Regulation to declare the validity of certain tenures, and to define the relative rights of zamíndárs and patní taluqdárs; also to establish a process for the sale of such taluqs in satisfaction of the zamíndár's demand of rent, and to explain and modify other parts of the system established for the collection of rents generally throughout Bengal.	In section 3, clause 3, the words and figures "under the rule contained in the seventh clause of section XV. Regulation VII. 1799, for leases conveying a limited interest in the land." In section 8, clause 2, the words "to the Civil Court of the district, and a similar one." In section 9 from and including the words "by the register," down to and including "situated" in the fifth line. In section 15, clause 2, the words and figures "brought under the provisions of section XV. Regulation VII. 1799," and "under the rules of Regulation V. 1812." In section 17, clause 7, the words "the court" in fifth line, and "under the seal of the court" in the seventh and twelfth lines.
Regulation I of 1820 ...	A Regulation for providing that all sales of certain talúqs made answerable by sale of arrears of the zamíndár's rent shall be conducted in the mode prescribed by Regulation VIII. 1819, for the sales therein described.	In section 2 the words "by the Register or Acting Register of the zila or city court, or, in his absence, by the person in charge of the office of Judge of the District."
Regulation III of 1820	A Regulation for rescinding some of the provisions of Regulation XI. 1806, and for preventing the practice of pressing coolies or begárís.	Section 2. In section 3 the words "and consistent with the powers vested in the Magistrates by the general Regulations."
Regulation III of 1822	A Regulation for modifying the constitution and altering the jurisdiction of the several Boards vested with the superin-	Sections 1, 2 and 3 and clauses 2 and 3 of section 4, and the word 'said' in clause 1 of the same section.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
	tendence of the land revenue, in the territories belonging to the Presidency of Fort William.	
Regulation VII of 1822	A Regulation for declaring the principles according to which the settlement of the land revenue in the Ceded and Conquered Provinces, including Cuttack, Puttaspúr and its dependencies, is to be hereafter made, and the powers and duties belonging to Collectors or other officers employed in making, revising, or superintending settlements; for continuing, with certain exceptions, the existing leases within the said Provinces for a further term of five years; for defining, settling, and recording the rights and obligations of various classes and persons possessing an interest in the land, or in the rent or produce thereof; and for vesting the revenue authorities with judicial cognizance in certain cases of suits and claims relating to land, the rent, and produce of land.	Section 5, clause 1. In sections 5, 6, 7, 12 and 17 the words "of Commissioners." In sections 15 and 16 the words "or provincial." Section 27, the second clause of section 28, and the following words in the fifth clause of same section:—"and shall be rendered in a Persian rúbakárí written on stamped paper of the value of two rupees." In section 30 the words "or Provincial Court of the division." In section 35 the words "or Board of Commissioners."
Regulation VI of 1823	A Regulation for authorizing the institution of summary suits to enforce the execution of certain written engagements for the cultivation and delivery of the indigo plant, and for declaring certain principles in regard to the same.	In section 1, and clause 7 of section 3, the words and figures "under the provisions of Regulation XX. 1812." In section 3, also in clause 1, the words "or to a Register exercising the powers of Joint Magistrate." In section 6 from and including "they shall," in third line to the end of the sixth line, and the words "passed by those officers respectively" in seventh and eighth lines. In section 7 the words and figures "under the rules of section 11, Regulation I. 1814."
Regulation VII of 1823	A Regulation for prohibiting loans by Covenanted Civil Servants from persons subject to their official authority and influence.	Section 2, clause 3, and section 5. In section 6 the words "in like manner" in the first line. In section 8 the words "Provincial" and "by the Provincial Courts."
Regulation XI of 1824	A Regulation for empowering the zila and city Judges and Magistrates to depute their Registers or Assistants for the purpose of making local investigations in certain cases.	In section 1 from commencement down to and including the word "But" in fifth line, also "zila and city Judges and," "and Registers" in sixth line. In section 2 the words "zila or city Judge or" in first line, "register" in second line, "matter connected with a depending civil suit or" in seventh line, "instead of a Native amín or the employment of the local munsif or police officer" in ninth and tenth lines, and "zila or city Judge or" in eleventh line of the same section. In section 3 the words "in a civil suit or" in second and third lines, the words "Díwání or" in fifth line, and "Judge or" in fifth and thirteenth lines. Sections 4, 5 and 6.
Regulation VI of 1825	A Regulation for rendering more effectual the rules in force relative to supplies and preparations for troops proceeding through the British territories.	In section 5 the words "on the stamped paper prescribed for other appeals to the Revenue Boards."
Regulation VIII of 1825	A Regulation to make further provision for the employment of Native officers in the Judicial Department, and to provide for the punishment of false and malicious charges against the European officers of Government.	In section 1 the words and figures "contained in Regulations II. 1793, V. 1795, and XXV. 1803." And from and including the words "and whereas" in tenth line down to and including "noticed" in eighteenth line of the same section. Section 3. In section 4 the words "which may be submitted to the Provincial Courts of Appeal and Circuit," and from and including the words "and it will" in the eighth line to the end of the section.
Regulation IX of 1825	A Regulation for extending the operation of Regulation VII. 1822; for authorizing the revenue authorities to let in farm estates under temporary leases, on the default of the málguzárs, or to hold the same khás for a term of years; for modifying and adding to the rules contained in Regulation II. 1819; and for making certain other amendments in the existing Regulations.	In section 5, clause 10, from the commencement down to and including the word "but" in fourth line.
Regulation XIV of 1825	A Regulation to declare the extent of the authority possessed by the revenue authorities subordinate to the Governor General in Council, in the confirmation of lakhiraj tenures; to define the principles to be followed in determining on the force and validity of grants made by persons exercising authority in different quarters previously to the acquisition of the country by	Sections 1, 5 and 6.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
	the British Government; and to provide for the due application of the general Laws and Regulations respecting lands held free of assessment, to the territory ceded by Govind Rao to the British Government, and annexed to the zila of Bundlecund, under the provisions of Regulation II, 1818.	
Regulation XX of 1825	A Regulation for declaring the jurisdiction of the Military Courts Martial and Courts of Requests, constituted by a recent Act of Parliament, and for modifying some parts of the existing Regulations in conformity thereto.	In section 2 from the commencement down to and including the words "provided that" in second line and in line 9 the words "or of the Hon'ble East India Company," and in section 4 the words "under the provisions of Regulation L. 1803."
Regulation III of 1827	A Regulation for modifying and amending the rules in force relative to the law officers and ministerial Native officers of the Courts of Judicature, who may be guilty of corruption or extortion.	Section 2. In section 3 the words "or any Hindú or Muhammadan law officer." In section 4 the words "law officer or" in first line, the word "such" in third line, and the words and figures "as laid down in clause 2, section 6, Regulation XVIII. 1817," in third and fourth lines. In section 5 the words "on the stamp paper prescribed for miscellaneous petitions." In section 6 the words and figures "by the process described in section VII. Regulation XVIII. 1817."
Regulation III of 1828	A Regulation for the appointment of special Commissioners for the more speedy hearing and determination of appeals from the decisions of the revenue authorities in regard to lands or rents occupied or collected by individuals, without payment of the revenue demandable by Government, under the general law of the country, and for otherwise more effectually securing the realization of the public dues.	In section 2, clause 3, the words "provincial and." In section 4, clause 1, the words "in a Persian rúbakárí." In section 6, clause 4, the words "the Provincial Courts or" In section 7, clause 2, the words "Provincial Courts, and." In section 10, clause 4, the following words and figures:—"the Provincial Courts or" in third and fourth lines, "or the provincial" in fifth line, "respectively in cases of the nature described and specially provided for in section VI., Regulation XIV. 1825," in fifth, sixth and seventh lines; also in seventh line the words "by those tribunals," and the whole of the fifth clause of this section. In section 11 the words "or city." Clauses six and seven of section 6. Rules of practice appended to this Regulation.

SCHEDULE II,—*continued.*

No. and year of Regulation.	Title.	Extent of repeal.
		Section 13. In section 14 from and including the word "but," to end of section. In section 15 the words "the reply to be filed to the grounds of appeal is to be written on stamped paper, value one rupee and." In section 16 the words "and such pleading shall be written on stamped paper, value one rupee." Section 17. In section 18 from and including the words "but when admitted," &c., to the end of the section. Section 20. In section 27 the words "which may be written on unstamped paper." In section 33 the words "on plain or stamped paper."
Regulation IV of 1828	A Regulation to declare and extend the powers to be exercised by Collectors, when making or revising settlements, under the provisions of Regulation VII, 1822.	In section 1 the words "and that the jurisdiction of the said officers should not be barred by summary decisions passed by Magistrates under the rules of Regulation XV. 1824." In section 2, clause 4, in line 1, the word 'fourth;' from and including the words "during the aforesaid," down to and including the words "the like. And."
Regulation VII of 1828	A Regulation for amending the provisions of Regulation XV, 1795, and for defining the authority of the Rájá of Benares in the mehals therein referred to.	In section 21 the words "shall be guided by the rules contained in Regulation XXIII. 1814, and in points not expressly provided for in that Regulation they." Section 22.
Regulation I of 1829	A Regulation for constituting Commissioners of Revenue and Circuit; for establishing a Sadr Board of Revenue; for modifying the constitution of the Provincial Courts; for transferring to the said Commissioners the functions now exercised by the Superintendents of Police, and those of the Mofussil Special Commissioners, acting under the provisions of Regulation I. 1821; and otherwise for providing for the better administration of civil and criminal justice.	Section 3, except in so far as it constructively vests in Commissioners of Circuit powers of control over the appointment and removal of the ministerial officers subordinate to Magistrates. Section 5, clause 1, and in clause 2, from commencement down to and including the word "that" in fifth line. Sections 7, 8, 9 and 10.
Regulation III of 1829	A Regulation for abolishing certain official designations amongst the Judges of the Courts of Sadr Díwání and Nizámat Adálat, and of the Provincial Courts; for amending	In section 6 the second sentence.

SCHEDULE II,—*concluded.*

No. and year of Regulation.	Title.	Extent of repeal.
	the rules at present in force, which require the Judges of the Courts of Sadr Diwání and Nizámat Adálat, or other public officers, to take the prescribed oaths of office before the Governor General in Council; for providing for the decision of civil suits and appeals in the Provincial Courts in certain cases; for amending Regulation VIII, 1825; and for discontinuing the offices of Hindú and Muhammadan law officer in the Provincial Courts.	
Regulation IV of 1829	A Regulation for modifying, in certain cases, the rules laid down in clauses 4th and 5th, section 2, Regulation III. 1828, relative to appeals to the Special Commissioners appointed under that Regulation; also for modifying part of clause 2nd, section 10, Regulation I. 1829.	In section 2, clause 1, the words "or of a Provincial Court."
Regulation XI of 1829	A Regulation for modifying the rules in force relative to the construction and repair of embankments.	Section 2, clause 1.
Regulation V of 1830	A Regulation for amending the provisions of Regulation VI. 1823, and for providing more effectually for enforcing the execution of contracts relating to the cultivation and delivery of indigo plant.	Section 1.
Regulation XI of 1831	A Regulation for vesting tahsíldárs in certain cases with the powers of Police officers.	Section 8.
Regulation IX of 1833	A Regulation to modify certain portions of Regulation VII of 1822, and Regulation IV of 1828; to provide for the more speedy and satisfactory decision of judicial questions cognizable by officers of revenue employed in making settlements under the above Regulations; for enforcing the production of the village accounts; for the more extensive employment of Native agency in the Revenue Department; and to declare the intent of section 5, Regulation VII of 1822, touching claims to malikana.	Sections 2, 3 and 4.

STATEMENT OF OBJECTS AND REASONS.

It is an essential part of the scheme for effecting a complete consolidation of the existing enactments that all inoperative provisions and unnecessary matter therein contained should first be expunged.

This has already been accomplished as regards the Acts of the Governor General in Council, extending from the year 1834 up to the present time, by Acts VIII of 1868 and XIV of 1870.

The sifting process has likewise been applied more or less effectively by the local Legislatures to the Regulations of the Madras and Bombay Codes, and they have now been reduced to very moderate proportions.

But the Bengal Code, notwithstanding the reductions effected by various repealing enactments, still contains several Regulations which are wholly obsolete or practically useless, and many others which embrace provisions so far modified, as to be virtually superseded by later enactments, as well as numerous references to abolished courts and offices, or expired customs and usages, all of which needlessly swell the bulk of the existing law.

The object of this Bill is to get rid of all such useless matter by express repeal, and thus clear the way for the consolidation of such of the remaining operative Regulations or parts thereof as are capable of being re-enacted in an abridged form.

SIMLA; *The 20th July* 1870. } F. R. COCKERELL.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd August 1870, and was referred to a Select Committee with instructions to make their report thereon in a fortnight:—

No. 18 OF 1870.

A Bill to confirm certain laws affecting European British subjects.

Preamble. Whereas the Governors of the Presidencies of Fort St. George and Bombay in Council, and the Lieutenant-Governor of Bengal in Council have severally passed divers Acts purporting to apply generally to all persons within the local extent of the said Acts; and whereas doubts have been raised as to the validity of such Acts in so far as they affect to render European British subjects liable to be convicted and punished by tribunals other than the High Courts of Judicature at Fort William, Madras and Bombay: For the purpose of removing such doubts it is hereby enacted as follows:—

Confirmation of local Acts so far as regards European British subjects.

1. Every such Act shall, so far as regards the liability of European British subjects to be convicted and punished thereunder, be and be deemed to have been as valid as if it had been passed by the Governor General of India in Council at a meeting for the purpose of making Laws and Regulations.

Saving of limits of Magistrates' ordinary jurisdiction.

2. Nothing in this Act shall be taken to authorize a Magistrate to exceed the limits of his ordinary jurisdiction as to the amount of punishment which he may inflict, or to confer jurisdiction on any Magistrate not being a Justice of the Peace.

Indemnity-clause.

3. All Magistrates and other persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had been then in force; and no suit or other proceeding shall be maintained against any such Magistrate or other person in respect of anything so done.

STATEMENT OF OBJECTS AND REASONS.

The High Court at Bombay has recently decided that it has exclusive criminal jurisdiction over European British subjects, and that the local legislature has no power to make laws affecting that jurisdiction.

Assuming this decision to be correct, it follows that the local Municipal, Police and Prison Acts are, so far as regards European British subjects, null and void, and that the only possible mode of punishing these persons for a breach of any such Act is by indictment in the High Court.

This being obviously inexpedient, the present Bill confirms all such local Acts, so far as regards the liability of European British subjects to be convicted and punished thereunder. It also saves the limits of the Magistrates' ordinary jurisdiction, and indemnifies Magistrates for their action heretofore.

SIMLA; *The 18th July* 1870. } J. F. STEPHEN.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th August 1870, and was referred to a Select Committee with instructions to make their report thereon in a month :—

No. 19 OF 1870.

A Bill to amend the Indian Penal Code.

Preamble.

For the purpose of amending the Indian Penal Code; It is hereby enacted as follows :—

1. For section three of the said Code the following section shall be substituted :—

"3. Any person liable by any law to be tried within the said territories for an offence committed beyond such territories, shall be dealt with according to the provisions of this Code for any act committed beyond such territories as if such act had been committed within the same."

Punishment for offences committed beyond, but triable within, British India.

2. For section thirty-four of the said Code the following section shall be substituted :—

"34. When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone."

Liability for act done by several persons in furtherance of common intention.

3. For section forty of the said Code, the following section shall be substituted :—

"40. In Chapter IV and in the following sections, namely, sections 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, 224, 225, 327, 328, 329, 330, 331, 347, 348, 388, 389, and 445,

"Offence."

the word 'offence' denotes a thing punishable under this Code, or under any special or local law as hereinafter defined :

And in sections 141, 176, 177, 201, 202, 212, 216, and 441, the word 'offence' has the same meaning when the thing punishable under the special or local law is punishable under such law with imprisonment for a term of six months or upwards, whether with or without fine."

4. To section fifty-six the following proviso shall be added :—

"Provided that where an European or American offender would, but for such Act, be liable to be sentenced or ordered to be transported for a term exceeding ten years but not for life, he shall be liable to be sentenced or ordered to be kept in penal servitude for such term exceeding six years as to the Court seems fit, but not for life."

Proviso as to sentences for term exceeding ten years but not of life.

5. After section one hundred and twenty-one the following section shall be inserted :—

"121 A. Whoever within or without British India conspires to commit any of the offences punishable by section one hundred and twenty-one, or to deprive Her Majesty of the Sovereignty of British India, or of any part thereof, or wages or abets the waging, or conspires to wage or abet civil war, shall be punished with transportation for life, or any shorter term, or with imprisonment of either description which may extend to ten years.

Conspiracy to commit offences punishable by section 121.

Explanation 1.—To constitute a conspiracy under this section, it is not necessary that any act or illegal omission shall take place in pursuance thereof.

Explanation 2.—Civil war means permanent and organized hostile operations carried on by any one section of the community against any other section of it.

Illustration (*a*).—A riot at a fair between Muhammadans and Hindús, however serious, is not civil war, unless it was planned beforehand and intended as the beginning of a state of hostility.

Illustration (*b*).—An attack upon an arsenal might be civil war if it was intended as the first step towards permanent hostilities."

6. After section one hundred and twenty-four the following section shall be inserted :—

"124 A. Whoever attempts to excite feelings of disaffection to the government established by law in British India, shall be punished with transportation for life or for any term, to which fine may be added, or with imprisonment for a term which may extend to three years, to which fine may be added, or with fine.

Attempt to excite disaffection.

Explanation.—Such a disapprobation of the measures of the Government as is compatible with a disposition to render obedience to the lawful authority of the Government, and to support the lawful authority of the Government against unlawful attempts to subvert or resist that authority, is not disaffection. Therefore the making of comments on the measures of the Government, with the intention of exciting only this species of disapprobation, is not an offence within this clause."

7. To section one hundred and thirty-one the following explanation shall be added :—

Addition to section 131.

"*Explanation.*—In this section 'officer' and 'soldier' include any person subject to the Articles of War for the better government of Her Majesty's Army, or to the Articles of War contained in Act No. V of 1869."

8. Section one hundred and ninety-four shall be read as if for the words 'which is capital by this Code' the following words were substituted (that is to say), "for which the offender is liable under this Code to be punished with death ;"

Amendment of sections 194 and 195.

and section one hundred and ninety-five shall be read as if for the words "which by this Code is not capital but punishable," the following were substituted (that is to say) "for which the offender is not liable under this Code to be punished with death, but to be punished."

9. Sections two hundred and twenty-two and two hundred and twenty-three shall be construed as if, after the word 'offence,' the following words were inserted (that is to say), "or lawfully committed to custody ;"

Amendment of sections 222 and 223.

and section two hundred and twenty-two shall be construed as if the following words were added thereto (that is to say), "or if the person was lawfully committed to custody."

10. After section two hundred and twenty-five, the following section shall be inserted :—

"225 A. Whoever escapes or attempts to escape from any custody in which he is lawfully detained for failing to furnish any security required under Chapter XIX of the Code of Criminal Procedure, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."

Escape from custody for failing to furnish security.

11. After section two hundred and ninety-four, and before Chapter XV, the following section shall be inserted :—

"294 A. Whoever keeps any office or place for the purpose of drawing any lottery not authorised by Government, or knowingly causes or suffers any such lottery to be drawn in his house, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Drawing lottery not authorized by Government.

And whoever agrees to pay any sum, or to deliver any goods, or to do or forbear doing anything for the benefit of any person on any event or contingency relative or applicable to the drawing of any ticket, lot, number or figure in any such lottery,

and whoever publishes any proposal for any of the purposes aforesaid,

shall be punished with fine which may extend to one thousand rupees."

12. To section three hundred and seven the following clause shall be added :—

"When any person offending under this section is under sentence of transportation for life, he shall, if hurt is caused, be punished with death."

Attempts by life-convicts.

13. Section three hundred and fifty shall be construed as if the word "illegally" were inserted after the words "intending by the use of such force," and before the words "to cause," and also after the words "knowing it to be likely that by the use of such force he will," and before the word "cause ;" and the following illustration shall be added to the illustrations to that section :—

Amendment of section 350 (criminal force).

"*Illustration* (*i*).—A, a school-master, in the reasonable exercise of his discretion as master, flogs B, one of his scholars. A does not use criminal force to B, because, although A intends to cause fear and annoyance, he does not use force illegally."

14. After section three hundred and four the following section shall be inserted :—

"304 A. Whoever causes the death of any person by any rash or negligent act under circumstances which do not amount to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

Causing death by negligence.

15. Nothing contained in this Act shall be taken to affect any of the provisions of any special or local law.

Saving of special and local laws.

16. Act No. V of 1844 *(for the suppression of all lotteries not authorized by Government)* and Act No. IV of 1867 *(to enlarge the meaning of the word 'offence' in certain sections of the Indian Penal Code, and for other purposes)* are hereby repealed.

Repeal of Acts V of 1844 and IV of 1867.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to supply some defects in the Indian Penal Code and to make certain amendments therein.

Section three of the Code (as to offences committed beyond British India) has been amended so as to make it apply to offences committed by persons who are not servants of the Queen and who are now triable in this country, not by virtue of any Act of the Governor General in Council, but under Act of Parliament.

In section thirty-four (as to acts done by several persons) the words "in furtherance of the common intention of all" have been introduced so as to make the object of the section clear.

For section forty (which defines 'offence') has been substituted a section founded on Act IV of 1867, section one. The new section declares that the word "offence" shall, not only in the sections mentioned in Act IV of 1867, section one, but also in Chapter IV of the Code, include a thing punishable under a special or local law.

Section 56 enacts that Europeans and Americans shall be sentenced to penal servitude instead of transportation, "according to the provisions of Act XXIV of 1855." This Act provides (section two) that, instead of a term of transportation not exceeding *ten* years, penal servitude not exceeding *six* years shall be inflicted ; and instead of a term of transportation not exceeding fifteen years, penal servitude not exceeding *ten* years. Now, under the Code, the Courts can award transportation for a term exceeding ten years, but short of life, under five sections only, namely, sections 115, 222, 392, 457 and 458. The result is, practically, that, in the case of the vast majority of European and American offenders, the Courts have no option between awarding a sentence of penal servitude for six years and awarding one of penal servitude for life. The Bill proposes to remove this defect by declaring that where such an offender would, but for Act XXIV, be liable to transportation for a term exceeding ten years, but not for life, he shall be liable to penal servitude for such term exceeding six years, but not for life, as to the Court seems fit.

After section 121 the Bill proposes to insert a new section providing for the offence of conspiring to wage war against the Queen, or to wage civil war. Such a conspiracy is now punishable only when it amounts to an abetment as defined by the Code, *i. e.*, when an act or illegal omission takes place in pursuance of that conspiracy.

Sections 121 to 130 of the Code deal with offences against the State. But no mention is made of seditious speaking or writing.

In the draft Code originally prepared by the Indian Law Commissioners, and published in 1837, appears a section resembling section six of the present Bill, and its omission from the Code as ultimately enacted was due to a mere oversight. Attempts to excite disaffection to the Government by words or writing are now punishable only when they can be proved to amount to abetments of the offence of waging war against the Queen; and as this proof implies the actual existence of war, and must often be a matter of extreme difficulty, it seems desirable that some such provision should become part of the law of British India.

Section 131 of the Code provides for attempts to seduce 'soldiers' from duty. Looking to the wide application of the present Native Articles of War (Act V of 1869), the Bill proposes to extend this section to non-combatants attached to and serving with the Army.

At the end of Chapter XIV of the Code the Bill proposes to insert a section founded on Act V of 1844 rendering penal the drawing, &c., of lotteries.

Section 307 of the Code provides that a person attempting to murder may, if hurt is caused, be transported for life or imprisoned for ten years. But where the offender is already transported for life, the law, by a strange oversight, actually awards no penalty. The Bill declares that in such case the offender shall be punished with death.

Section 350 of the Code provides that whoever intentionally uses force to any person without his consent, intending thereby to cause fear or annoyance to such person, is said to use criminal force. This obviously makes it penal for a schoolmaster, in the reasonable exercise of his discretion, to flog one of his scholars who happens to be over twelve years of age. The Bill proposes to amend the section by inserting the word 'illegally' before the words 'to cause.'

The Code, as it stands, contains no adequate provision for the punishment of what English lawyers call manslaughter by negligence. This was provided for in the draft Code, s. 304, and the present Bill supplies the omission.

Lastly, the Bill repeals Acts V of 1844 and IV of 1867, the provisions of which it embodies.

SIMLA; *The 26th July* 1870. } J. F. STEPHEN.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, AUGUST 27, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th August 1870, and was referred to a Select Committee with instructions to make their report thereon in a month :—

No. 19 OF 1870.

A Bill to amend the Indian Penal Code.

Preamble. For the purpose of amending the Indian Penal Code; It is hereby enacted as follows :—

1. For section three of the said Code the following section shall be substituted :—

Punishment for offences committed beyond, but triable within, British India.

"3. Any person liable by any law to be tried within the said territories for an offence committed beyond such territories, shall be dealt with according to the provisions of this Code for any act committed beyond such territories as if such act had been committed within the same."

2. For section thirty-four of the said Code the following section shall be substituted :—

Liability for act done by several persons in furtherance of common intention.

"34. When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone."

3. For section forty of the said Code, the following section shall be substituted :—

"Offence."

"40. In Chapter IV and in the following sections, namely, sections 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, 224, 225, 327, 328, 329, 330, 331, 347, 348, 388, 389, and 445,

the word 'offence' denotes a thing punishable under this Code, or under any special or local law as hereinafter defined:

And in sections 141, 176, 177, 201, 202, 212, 216, and 441, the word 'offence' has the same meaning when the thing punishable under the special or local law is punishable under such law with imprisonment for a term of six months or upwards, whether with or without fine."

4. To section fifty-six the following proviso shall be added :—

Proviso as to sentences for term exceeding ten years but not of life.

"Provided that where an European or American offender would, but for such Act, be liable to be sentenced or ordered to be transported for a term exceeding ten years but not for life, he shall be liable to be sentenced or ordered to be kept in penal servitude for such term exceeding six years as to the Court seems fit, but not for life."

5. After section one hundred and twenty-one the following section shall be inserted :—

"121 A. Whoever within or without British India conspires to commit any of the offences

punishable by section one hundred and twenty-one, or to deprive Her Majesty of the Sovereignty of British India, or of any part thereof, or wages or abets the waging, or conspires to wage or abet civil war, shall be punished with transportation for life, or any shorter term, or with imprisonment of either description which may extend to ten years.

Conspiracy to commit offences punishable by section 121.

Explanation 1.—To constitute a conspiracy under this section, it is not necessary that any act or illegal omission shall take place in pursuance thereof.

Explanation 2.—Civil war means permanent and organized hostile operations carried on by any one section of the community against any other section of it.

Illustration (*a*).—A riot at a fair between Muhammadans and Hindús, however serious, is not civil war, unless it was planned beforehand and intended as the beginning of a state of hostility.

Illustration (*b*).—An attack upon an arsenal might be civil war if it was intended as the first step towards permanent hostilities."

6. After section one hundred and twenty-four the following section shall be inserted :—

"124 A. Whoever attempts to excite feelings of disaffection to the government established by law in British India, shall be punished with transportation for life or for any term, to which fine may be added, or with imprisonment for a term which may extend to three years, to which fine may be added, or with fine.

Attempt to excite disaffection.

Explanation.—Such a disapprobation of the measures of the Government as is compatible with a disposition to render obedience to the lawful authority of the Government, and to support the lawful authority of the Government against unlawful attempts to subvert or resist that authority, is not disaffection. Therefore the making of comments on the measures of the Government, with the intention of exciting only this species of disapprobation, is not an offence within this clause."

7. To section one hundred and thirty-one the following explanation shall be added :—

Addition to section 131.

"*Explanation.*—In this section 'officer' and 'soldier' include any person subject to the Articles of War for the better government of Her Majesty's Army, or to the Articles of War contained in Act No. V of 1869."

8. Section one hundred and ninety-four shall be read as if for the words 'which is capital by this Code' the following words were substituted (that is to say), "for which the offender is liable under this Code to be punished with death ;"

Amendment of sections 194 and 195.

and section one hundred and ninety-five shall be read as if for the words "which by this Code is not capital but punishable," the following were substituted (that is to say) "for which the offender is not liable under this Code to be punished with death, but to be punished."

9. Sections two hundred and twenty-two and two hundred and twenty-three shall be construed as if, after the word 'offence,' the following words were inserted (that is to say), "or lawfully committed to custody ;"

Amendment of sections 222 and 223.

and section two hundred and twenty-two shall be construed as if the following words were added thereto (that is to say), "or if the person was lawfully committed to custody."

10. After section two hundred and twenty-five, the following section shall be inserted :—

"225 A. Whoever escapes or attempts to escape from any custody in which he is lawfully detained for failing to furnish any security required under Chapter XIX of the Code of Criminal Procedure, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."

Escape from custody for failing to furnish security.

11. After section two hundred and ninety-four, and before Chapter XV, the following section shall be inserted :—

"294 A. Whoever keeps any office or place for the purpose of drawing any lottery not authorised by Government, or knowingly causes or suffers any such lottery to be drawn in his house, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Drawing lottery not authorized by Government.

And whoever agrees to pay any sum, or to deliver any goods, or to do or forbear doing anything for the benefit of any person on any event or contingency relative or applicable to the drawing of any ticket, lot, number or figure in any such lottery,

and whoever publishes any proposal for any of the purposes aforesaid,

shall be punished with fine which may extend to one thousand rupees."

12. To section three hundred and seven the following clause shall be added :—

"When any person offending under this section is under sentence of transportation for life, he shall, if hurt is caused, be punished with death."

Attempts by life-convicts.

13. Section three hundred and fifty shall be construed as if the word "illegally" were inserted after the words "intending by the use of such force," and before the words "to cause," and also after the words "knowing it to be likely that by the use of such force he will," and before the word "cause ;" and the following illustration shall be added to the illustrations to that section :—

Amendment of section 350 (criminal force).

"*Illustration* (*i*).—A, a school-master, in the reasonable exercise of his discretion as master, flogs B, one of his scholars. A does not use criminal force to B, because, although A intends to cause fear and annoyance, he does not use force illegally."

14. After section three hundred and four the following section shall be inserted :—

"304 A. Whoever causes the death of any person by any rash or negligent act under circumstances which do not amount to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

Causing death by negligence.

15. Nothing contained in this Act shall be taken to affect any of the provisions of any special or local law.

Saving of special and local laws.

16. Act No. V of 1844 *(for the suppression of all lotteries not authorized by Government)* and Act No. IV of 1867 *(to enlarge the meaning of the word 'offence' in certain sections of the Indian Penal Code, and for other purposes)* are hereby repealed.

Repeal of Acts V of 1844 and IV of 1867.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to supply some defects in the Indian Penal Code and to make certain amendments therein.

Section three of the Code (as to offences committed beyond British India) has been amended so as to make it apply to offences committed by persons who are not servants of the Queen and who are now triable in this country, not by virtue of any Act of the Governor General in Council, but under Act of Parliament.

In section thirty-four (as to acts done by several persons) the words "in furtherance of the common intention of all" have been introduced so as to make the object of the section clear.

For section forty (which defines 'offence') has been substituted a section founded on Act IV of 1867, section one. The new section declares that the word "offence" shall, not only in the sections mentioned in Act IV of 1867, section one, but also in Chapter IV of the Code, include a thing punishable under a special or local law.

Section 56 enacts that Europeans and Americans shall be sentenced to penal servitude instead of transportation, "according to the provisions of Act XXIV of 1855." This Act provides (section two) that, instead of a term of transportation not exceeding *ten* years, penal servitude not exceeding *six* years shall be inflicted ; and instead of a term of transportation not exceeding fifteen years, penal servitude not exceeding *ten* years. Now, under the Code, the Courts can award transportation for a term exceeding ten years, but short of life, under five sections only, namely, sections 115, 222, 392, 457 and 458. The result is, practically, that, in the case of the vast majority of European and American offenders, the Courts have no option between awarding a sentence of penal servitude for six years and awarding one of penal servitude for life. The Bill proposes to remove this defect by declaring that where such an offender would, but for Act XXIV, be liable to transportation for a term exceeding ten years, but not for life, he shall be liable to penal servitude for such term exceeding six years, but not for life, as to the Court seems fit.

After section 121 the Bill proposes to insert a new section providing for the offence of conspiring to wage war against the Queen, or to wage civil war. Such a conspiracy is now punishable only when it amounts to an abetment as defined by the Code, *i. e.*, when an act or illegal omission takes place in pursuance of that conspiracy.

Sections 121 to 130 of the Code deal with offences against the State. But no mention is made of seditious speaking or writing.

In the draft Code originally prepared by the Indian Law Commissioners, and published in 1837, appears a section resembling section six of the present Bill, and its omission from the Code as ultimately enacted was due to a mere oversight. Attempts to excite disaffection to the Government by words or writing are now punishable only when they can be proved to amount to abetments of the offence of waging war against the Queen ; and as this proof implies the actual existence of war, and must often be a matter of extreme difficulty, it seems desirable that some such provision should become part of the law of British India.

Section 131 of the Code provides for attempts to seduce 'soldiers' from duty. Looking to the wide application of the present Native Articles of War (Act V of 1869), the Bill proposes to extend this section to non-combatants attached to and serving with the Army.

At the end of Chapter XIV of the Code the Bill proposes to insert a section founded on Act V of 1844 rendering penal the drawing, &c., of lotteries.

Section 307 of the Code provides that a person attempting to murder may, if hurt is caused, be transported for life or imprisoned for ten years. But where the offender is already transported for life, the law, by a strange oversight, actually awards no penalty. The Bill declares that in such case the offender shall be punished with death.

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The Code, as it stands, contains no adequate provision for the punishment of what English lawyers call manslaughter by negligence. This was provided for in the draft Code, s. 304, and the present Bill supplies the omission.

Lastly, the Bill repeals Acts V of 1844 and IV of 1867, the provisions of which it embodies.

SIMLA; *The 26th July* 1870. } J. F. STEPHEN.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, SEPTEMBER 3, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th August 1870, and was referred to a Select Committee with instructions to make their report thereon in a month :—

No. 19 OF 1870.

A Bill to amend the Indian Penal Code.

Preamble. For the purpose of amending the Indian Penal Code; It is hereby enacted as follows:—

1. For section three of the said Code the following section shall be substituted :—

Punishment for offences committed beyond, but triable within, British India.

"3. Any person liable by any law to be tried within the said territories for an offence committed beyond such territories, shall be dealt with according to the provisions of this Code for any act committed beyond such territories as if such act had been committed within the same."

2. For section thirty-four of the said Code the following section shall be substituted :—

Liability for act done by several persons in furtherance of common intention.

"34. When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone."

3. For section forty of the said Code, the following section shall be substituted :—

"Offence."

"40. In Chapter IV and in the following sections, namely, sections 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, 224, 225, 327, 328, 329, 330, 331, 347, 348, 388, 389, and 445,

the word 'offence' denotes a thing punishable under this Code, or under any special or local law as hereinafter defined :

And in sections 141, 176, 177, 201, 202, 212, 216, and 441, the word 'offence' has the same meaning when the thing punishable under the special or local law is punishable under such law with imprisonment for a term of six months or upwards, whether with or without fine."

4. To section fifty-six the following proviso shall be added :—

Proviso as to sentences for term exceeding ten years but not of life.

"Provided that where an European or American offender would, but for such Act, be liable to be sentenced or ordered to be transported for a term exceeding ten years but not for life, he shall be liable to be sentenced or ordered to be kept in penal servitude for such term exceeding six years as to the Court seems fit, but not for life."

5. After section one hundred and twenty-one the following section shall be inserted :—

"121 A. Whoever within or without British India conspires to commit any of the offences

punishable by section one hundred and twenty-one, or to deprive Her Majesty of the Sovereignty of British India, or of any part thereof, or wages or abets the waging, or conspires to wage or abet civil war, shall be punished with transportation for life, or any shorter term, or with imprisonment of either description which may extend to ten years.

Conspiracy to commit offences punishable by section 121.

Explanation 1.—To constitute a conspiracy under this section, it is not necessary that any act or illegal omission shall take place in pursuance thereof.

Explanation 2.—Civil war means permanent and organized hostile operations carried on by any one section of the community against any other section of it.

Illustration (a).—A riot at a fair between Muhammadans and Hindús, however serious, is not civil war, unless it was planned beforehand and intended as the beginning of a state of hostility.

Illustration (b).—An attack upon an arsenal might be civil war if it was intended as the first step towards permanent hostilities."

6. After section one hundred and twenty-four the following section shall be inserted :—

"124 A. Whoever attempts to excite feelings of disaffection to the government established by law in British India, shall be punished with transportation for life or for any term, to which fine may be added, or with imprisonment for a term which may extend to three years, to which fine may be added, or with fine.

Attempt to excite disaffection.

Explanation.—Such a disapprobation of the measures of the Government as is compatible with a disposition to render obedience to the lawful authority of the Government, and to support the lawful authority of the Government against unlawful attempts to subvert or resist that authority, is not disaffection. Therefore the making of comments on the measures of the Government, with the intention of exciting only this species of disapprobation, is not an offence within this clause."

7. To section one hundred and thirty-one the following explanation shall be added :—

Addition to section 131.

"*Explanation.*—In this section 'officer' and 'soldier' include any person subject to the Articles of War for the better government of Her Majesty's Army, or to the Articles of War contained in Act No. V of 1869."

8. Section one hundred and ninety-four shall be read as if for the words 'which is capital by this Code' the following words were substituted (that is to say), "for which the offender is liable under this Code to be punished with death ;"

Amendment of sections 194 and 195.

and section one hundred and ninety-five shall be read as if for the words "which by this Code is not capital but punishable," the following were substituted (that is to say) "for which the offender is not liable under this Code to be punished with death, but to be punished."

9. Sections two hundred and twenty-two and two hundred and twenty-three shall be construed as if, after the word 'offence,' the following words were inserted (that is to say), "or lawfully committed to custody ;"

Amendment of sections 222 and 223.

and section two hundred and twenty-two shall be construed as if the following words were added thereto (that is to say), "or if the person was lawfully committed to custody."

10. After section two hundred and twenty-five, the following section shall be inserted :—

"225 A. Whoever escapes or attempts to escape from any custody in which he is lawfully detained for failing to furnish any security required under Chapter XIX of the Code of Criminal Procedure, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."

Escape from custody for failing to furnish security.

11. After section two hundred and ninety-four, and before Chapter XV, the following section shall be inserted :—

"294 A. Whoever keeps any office or place for the purpose of drawing any lottery not authorised by Government, or knowingly causes or suffers any such lottery to be drawn in his house, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Drawing lottery not authorized by Government.

And whoever agrees to pay any sum, or to deliver any goods, or to do or forbear doing anything for the benefit of any person on any event or contingency relative or applicable to the drawing of any ticket, lot, number or figure in any such lottery,

and whoever publishes any proposal for any of the purposes aforesaid,

shall be punished with fine which may extend to one thousand rupees."

12. To section three hundred and seven the following clause shall be added :—

"When any person offending under this section is under sentence of transportation for life, he shall, if hurt is caused, be punished with death."

Attempts by life-convicts.

13. Section three hundred and fifty shall be construed as if the word "illegally" were inserted after the words "intending by the use of such force," and before the words "to cause," and also after the words "knowing it to be likely that by the use of such force he will," and before the word "cause ;" and the following illustration shall be added to the illustrations to that section :—

Amendment of section 350 (criminal force).

"*Illustration (i).*—A, a school-master, in the reasonable exercise of his discretion as master, flogs B, one of his scholars. A does not use criminal force to B, because, although A intends to cause fear and annoyance, he does not use force illegally."

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"304 A. Whoever causes the death of any person by any rash or negligent act under circumstances which do not amount to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

Causing death by negligence.

15. Nothing contained in this Act shall be taken to affect any of the provisions of any special or local law.

Saving of special and local laws.

16. Act No. V of 1844 *(for the suppression of all lotteries not authorized by Government)* and Act No. IV of 1867 *(to enlarge the meaning of the word 'offence' in certain sections of the Indian Penal Code, and for other purposes)* are hereby repealed.

Repeal of Acts V of 1844 and IV of 186

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to supply some defects in the Indian Penal Code and to make certain amendments therein.

Section three of the Code (as to offences committed beyond British India) has been amended so as to make it apply to offences committed by persons who are not servants of the Queen and who are now triable in this country, not by virtue of any Act of the Governor General in Council, but under Act of Parliament.

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For section forty (which defines 'offence') has been substituted a section founded on Act IV of 1867, section one. The new section declares that the word "offence" shall, not only in the sections mentioned in Act IV of 1867, section one, but also in Chapter IV of the Code, include a thing punishable under a special or local law.

Section 56 enacts that Europeans and Americans shall be sentenced to penal servitude instead of transportation, "according to the provisions of Act XXIV of 1855." This Act provides (section two) that, instead of a term of transportation not exceeding *ten* years, penal servitude not exceeding *six* years shall be inflicted; and instead of a term of transportation not exceeding fifteen years, penal servitude not exceeding *ten* years. Now, under the Code, the Courts can award transportation for a term exceeding ten years, but short of life, under five sections only, namely, sections 115, 222, 392, 457 and 458. The result is, practically, that, in the case of the vast majority of European and American offenders, the Courts have no option between awarding a sentence of penal servitude for six years and awarding one of penal servitude for life. The Bill proposes to remove this defect by declaring that where such an offender would, but for Act XXIV, be liable to transportation for a term exceeding ten years, but not for life, he shall be liable to penal servitude for such term exceeding six years, but not for life, as to the Court seems fit.

After section 121 the Bill proposes to insert a new section providing for the offence of conspiring to wage war against the Queen, or to wage civil war. Such a conspiracy is now punishable only when it amounts to an abetment as defined by the Code, *i. e.*, when an act or illegal omission takes place in pursuance of that conspiracy.

Sections 121 to 130 of the Code deal with offences against the State. But no mention is made of seditious speaking or writing.

In the draft Code originally prepared by the Indian Law Commissioners, and published in 1837, appears a section resembling section six of the present Bill, and its omission from the Code as ultimately enacted was due to a mere oversight. Attempts to excite disaffection to the Government by words or writing are now punishable only when they can be proved to amount to abetments of the offence of waging war against the Queen; and as this proof implies the actual existence of war, and must often be a matter of extreme difficulty, it seems desirable that some such provision should become part of the law of British India.

Section 131 of the Code provides for attempts to seduce 'soldiers' from duty. Looking to the wide application of the present Native Articles of War (Act V of 1869), the Bill proposes to extend this section to non-combatants attached to and serving with the Army.

At the end of Chapter XIV of the Code the Bill proposes to insert a section founded on Act V of 1844 rendering penal the drawing, &c., of lotteries.

Section 307 of the Code provides that a person attempting to murder may, if hurt is caused, be transported for life or imprisoned for ten years. But where the offender is already transported for life, the law, by a strange oversight, actually awards no penalty. The Bill declares that in such case the offender shall be punished with death.

Section 350 of the Code provides that whoever intentionally uses force to any person without his consent, intending thereby to cause fear or annoyance to such person, is said to use criminal force. This obviously makes it penal for a schoolmaster, in the reasonable exercise of his discretion, to flog one of his scholars who happens to be over twelve years of age. The Bill proposes to amend the section by inserting the word 'illegally' before the words 'to cause.'

The Code, as it stands, contains no adequate provision for the punishment of what English lawyers call manslaughter by negligence. This was provided for in the draft Code, s. 304, and the present Bill supplies the omission.

Lastly, the Bill repeals Acts V of 1844 and IV of 1867, the provisions of which it embodies.

SIMLA;
The 26th July 1870.

J. F. STEPHEN.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.

for making Laws and Regulations.

The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, SEPTEMBER 10, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

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No. 20 OF 1870.

A Bill to consolidate the laws relating to Coroners.

Preamble. Whereas it is expedient to consolidate the laws relating to Coroners; It is hereby enacted as follows:—

I.—Preliminary.

Short title. **1.** This Act may be called 'The Coroners' Act, 1870.'

Extent. It extends to the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William, Madras and Bombay.

Commencement. And it shall come into force on the passing thereof.

Repeal of enactments. **2.** The enactments mentioned in the Schedule hereto annexed are repealed.

II.—Appointment of Coroners.

Coroners of Calcutta, Madras and Bombay. **3.** Within the local limits of the ordinary original civil jurisdiction of each of the said High Courts there shall be a Coroner. Such Coroners shall be called, respectively, the Coroner of Calcutta, the Coroner of Madras, and the Coroner of Bombay.

Their appointment, suspension and removal. **4.** Such officers shall be appointed and may be suspended or removed by the following Authorities, respectively, (that is to say),—

The Coroner of Calcutta, by the Governor General of India in Council:

The Coroner of Madras, by the Governor of Fort St. George in Council:

The Coroner of Bombay, by the Governor of Bombay in Council.

Present Coroners. Every person now holding such office shall be deemed to have been appointed under this Act.

Oath to be taken by Coroner. **5.** Every person hereafter appointed to the office of Coroner shall take and subscribe, before one of the Judges of the High Court, an oath that he will faithfully discharge the duties of his office.

III.—Powers and Duties of Coroners.

Powers and jurisdiction of Coroners. **6.** Every Coroner under this Act shall have and exercise the same powers and jurisdictions, within the place for which he is so appointed, as by law may be had and exercised by Coroners elected for counties in England.

Coroner's fees. **7.** Every Coroner under this Act shall be entitled to such reasonable fees and allowances for the performance of the duty of his said office, as are prescribed by the said respective Authorities in that behalf.

8. Whenever an inquest ought to be holden on any body lying dead within the jurisdiction of any Coroner under this Act, such Coroner shall have power to hold and shall hold such inquest; and every such inquisition taken before him is valid, whether or not the cause of death arose within his jurisdiction.

Power to hold inquests on bodies within jurisdiction, wherever cause of death occurred.

9. Every Coroner under this Act, upon any inquisition taken before him, whereby any person is indicted for culpable homicide or murder, or for abetting culpable homicide or murder, shall commit to writing the material parts of the evidence given to the jury before him;

Coroner to take evidence in writing;

and may bind by recognizance any person knowing or declaring anything material touching the said offences to appear at the next criminal sessions at which the trial is to be, then and there to prosecute or give evidence against the party charged;

may bind witnesses to appear;

and shall certify and subscribe such inquisition, evidence and recognizances, and deliver the same to the proper officer of the Court in which the trial is to be, before or at the opening of the Court.

to certify and deliver inquisition, &c.

10. Any Coroner failing to comply with the provisions of section nine shall be liable to such fine as the said Court, upon summary examination and proof of the failure, thinks fit to impose.

Penalty for failure to comply with section nine.

11. No proceeding for anything done under this Act, or for any failure to comply with its provisions, shall be commenced or prosecuted after the expiration of six months from such fact or failure, nor after tender of sufficient amends.

Limitation of suits.

IV.—Coroners' Juries.

12. On all inquests to be held by the Coroners of Calcutta, Madras and Bombay, no greater number than five Jurors shall be necessary, and every finding of a jury consisting of five Jurors shall be as effectual in law, as if such finding had been the finding of twelve Jurors.

Necessary number of jurors.

13. When any person has been duly summoned to attend as a Juror by any of the said Coroners, and fails or neglects to attend at the time and place specified in such summons, such Coroner may cause him to be openly called in his Court three times to appear and serve as a Juror; and upon the non-appearance of such person, and proof that such summons has been served upon him, or left at his usual place of abode, may impose such fine upon the person so making default, not exceeding fifty rupees, as to the Coroner seems fit.

Fine on Juror neglecting to attend.

The Coroner shall make out and sign a certificate, containing the name and surname, the residence and trade or calling of every person so making default, together with the amount of the fine so imposed, and the cause of such fine,

Certificate as to defaulting juror.

and shall send such certificate to one of the Magistrates of the place of which he is the Coroner,

and shall cause a copy of such certificate to be served upon the person so fined, by having it left at his usual place of residence, or by sending the same through the Post Office, addressed as aforesaid and registered.

Service of copy of certificate.

Thereupon such Magistrate shall cause the fine to be levied in the same manner as if it had been imposed by himself.

Levy of fine.

14. No inquisition found upon or by any inquest of any of the said Coroners, nor any judgment recorded upon or by virtue of any such inquisition, shall be quashed, stayed, or reversed for want of the averment therein, or any matter unnecessary to be proved,

Inquisitions not to be quashed for want of form.

nor for the omission of the words "with force and arms," or of the words "against the peace,"

nor for the omission or insertion of any other words or expressions of mere form or surplusage,

nor for the insertion of the words "upon their oath," instead of the words "upon their oaths,"

nor for omitting to state the time at which the offence was committed, when time is not of the essence of the offence,

nor for stating the time imperfectly,

nor because any person mentioned in any such inquisition is designated by a name of office or other descriptive appellation instead of his proper name,

nor by reason of the non-insertion of the names of the Jurors in the body of any such inquisition, or of any difference in the spelling of the names of any of the Jurors in the body of any such inquisition and the names subscribed thereto,

nor because any Juror has set his mark to any such inquisition instead of subscribing his name thereto, nor because any such mark is unattested, provided that the name of such Juror is set forth,

nor because any Juror has signed his Christian name or other name which is not a family name by means of an initial or partial signature only, and not at full length,

nor because of any erasures or interlineations appearing in any such inquisition, unless the same are proved to have been made therein after the same was signed, nor for or by reason of any such inquisition not being duly sealed or written upon parchment,

nor because the Coroner and Jury did not all view the body at one and the same instant, provided that they all viewed the body at the first sitting of the inquest.

In all or any such cases of technical defect as are hereinbefore mentioned, any Judge of the High Court may, if he thinks fit, order the inquisition to be amended in any of the respects aforesaid, and the same shall forthwith be amended accordingly.

V.—Miscellaneous.

15. Every person committed by a Coroner for trial by the High Court in the exercise of its original criminal jurisdiction shall be delivered, in Calcutta, to the Superintendent of the Presidency Jail, and in Madras and Bombay, to the Superintendent of Jails for the town of Madras or Bombay, as the case may be, together with a warrant of commitment directing him to have the body of such person before the Court for trial.

Committals by Coroners.

And such Superintendent shall, as soon as practicable, cause the person so delivered to be taken before the High Court at a criminal session of the said Court, together with the warrant of commitment, in order that he may be dealt with according to law.

16. Each of the Coroners under this Act, may, from time to time, with the previous sanction of the Local Government, appoint, by writing under his hand and seal, a proper person to act for him as his deputy in the holding of inquests.

Power to appoint deputy.

All inquests taken and other acts done by any such deputy, under and by virtue of any such appointment, shall be deemed to be the acts of the Coroner appointing him:

Provided that no such deputy shall act for any such Coroner except during the illness of the said Coroner, or during his absence for any lawful and reasonable cause.

Every such appointment may at any time be cancelled and revoked by the Coroner by whom it was made.

Revocation of appointment.

SCHEDULE.

Number and year.	Title.	Extent of repeal.
33 Geo. III., cap. fifty-two...	An Act for continuing in the East India Company, for a further term, the possessions of the British territories in India, together with their exclusive trade, under certain limitations; for establishing further Regulations for the Government of the said territories and the better administration of justice within the same; for appropriating to certain uses the revenues and profits of the said Company; and for making provision for the good order and government of the towns of Calcutta, Madras and Bombay.	Section one hundred and fifty-seven.
9 Geo. IV., cap. seventy-four	An Act for improving the administration of criminal justice in the East Indies.	Sections five and six, and (so far as it relates to Coroners) section fifty-one.
Act No. IV of 1848 ...	An Act for regulating Coroners' juries ...	The whole.
Act No. XLV of 1850 ...	An Act to declare the law as to the jurisdiction of Coroners.	The whole.
Act No. XII of 1867 ...	An Act to amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras and Bombay.	In section twelve the words "or Coroner" and the last sentence.

STATEMENT OF OBJECTS AND REASONS.

The law relating to the Coroners at the three Presidency Towns is now inconveniently scattered among two Statutes and three Acts, and the object of this Bill is, not to make any substantial change in the law, but merely to consolidate these five enactments.

SIMLA;
The 26th August 1870.

J. F. STEPHEN.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, SEPTEMBER 17, 1870.

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Repeal of enactments. **2.** The enactments mentioned in the Schedule hereto annexed are repealed.

II.—Appointment of Coroners.

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Their appointment, suspension and removal. **4.** Such officers shall be appointed and may be suspended or removed by the following Authorities, respectively, (that is to say),—

The Coroner of Calcutta, by the Governor General of India in Council;

The Coroner of Madras, by the Governor of Fort St. George in Council;

The Coroner of Bombay, by the Governor of Bombay in Council.

Present Coroners. Every person now holding such office shall be deemed to have been appointed under this Act.

Oath to be taken by Coroner. **5.** Every person hereafter appointed to the office of Coroner shall take and subscribe, before one of the Judges of the High Court, an oath that he will faithfully discharge the duties of his office.

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Coroner's fees. **7.** Every Coroner under this Act shall be entitled to such reasonable fees and allowances for the performance of the duty of his said office, as are prescribed by the said respective Authorities in that behalf.

8. Whenever an inquest ought to be holden on any body lying dead within the jurisdiction of any Coroner under this Act, such Coroner shall have power to hold and shall hold such inquest; and every such inquisition taken before him is valid, whether or not the cause of death arose within his jurisdiction.

Power to hold inquests on bodies within jurisdiction, wherever cause of death occurred.

9. Every Coroner under this Act, upon any inquisition taken before him, whereby any person is indicted for culpable homicide or murder, or for abetting culpable homicide or murder, shall commit to writing the material parts of the evidence given to the jury before him;

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and may bind by recognizance any person knowing or declaring anything material touching the said offences to appear at the next criminal sessions at which the trial is to be, then and there to prosecute or give evidence against the party charged;

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and shall certify and subscribe such inquisition, evidence and recognizances, and deliver the same to the proper officer of the Court in which the trial is to be, before or at the opening of the Court.

to certify and deliver inquisition, &c.

10. Any Coroner failing to comply with the provisions of section nine shall be liable to such fine as the said Court, upon summary examination and proof of the failure, thinks fit to impose.

Penalty for failure to comply with section nine.

11. No proceeding for anything done under this Act, or for any failure to comply with its provisions, shall be commenced or prosecuted after the expiration of six months from such fact or failure, nor after tender of sufficient amends.

Limitation of suits.

IV.—Coroners' Juries.

12. On all inquests to be held by the Coroners of Calcutta, Madras and Bombay, no greater number than five Jurors shall be necessary, and every finding of a jury consisting of five Jurors shall be as effectual in law, as if such finding had been the finding of twelve Jurors.

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13. When any person has been duly summoned to attend as a Juror by any of the said Coroners, and fails or neglects to attend at the time and place specified in such summons, such Coroner may cause him to be openly called in his Court three times to appear and serve as a Juror; and upon the non-appearance of such person, and proof that such summons has been served upon him, or left at his usual place of abode, may impose such fine upon the person so making default, not exceeding fifty rupees, as to the Coroner seems fit.

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J. F. STEPHEN.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

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Published by Authority.

SIMLA, SATURDAY, SEPTEMBER 24, 1870.

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nor because any Juror has set his mark to any such inquisition instead of subscribing his name thereto, nor because any such mark is unattested, provided that the name of such Juror is set forth,

nor because any Juror has signed his Christian name or other name which is not a family name by means of an initial or partial signature only, and not at full length,

nor because of any erasures or interlineations appearing in any such inquisition, unless the same are proved to have been made therein after the same was signed, nor for or by reason of any such inquisition not being duly sealed or written upon parchment,

nor because the Coroner and Jury did not all view the body at one and the same instant, provided that they all viewed the body at the first sitting of the inquest.

In all or any such cases of technical defect as are hereinbefore mentioned, any Judge of the High Court may, if he thinks fit, order the inquisition to be amended in any of the respects aforesaid, and the same shall forthwith be amended accordingly.

V.—Miscellaneous.

15. Every person committed by a Coroner for trial by the High Court in the exercise of its original criminal jurisdiction shall be delivered, in Calcutta, to the Superintendent of the Presidency Jail, and in Madras and Bombay, to the Superintendent of Jails for the town of Madras or Bombay, as the case may be, together with a warrant of commitment directing him to have the body of such person before the Court for trial.

Committals by Coroners.

And such Superintendent shall, as soon as practicable, cause the person so delivered to be taken before the High Court at a criminal session of the said Court, together with the warrant of commitment, in order that he may be dealt with according to law.

16. Each of the Coroners under this Act, may, from time to time, with the previous sanction of the Local Government, appoint, by writing under his hand and seal, a proper person to act for him as his deputy in the holding of inquests.

Power to appoint deputy.

All inquests taken and other acts done by any such deputy, under and by virtue of any such appointment, shall be deemed to be the acts of the Coroner appointing him:

Provided that no such deputy shall act for any such Coroner except during the illness of the said Coroner, or during his absence for any lawful and reasonable cause.

Every such appointment may at any time be cancelled and revoked by the Coroner by whom it was made.

Revocation of appointment.

SCHEDULE.

Number and year.	Title.	Extent of repeal.
33 Geo. III., cap. fifty-two...	An Act for continuing in the East India Company, for a further term, the possessions of the British territories in India, together with their exclusive trade, under certain limitations; for establishing further Regulations for the Government of the said territories and the better administration of justice within the same; for appropriating to certain uses the revenues and profits of the said Company; and for making provision for the good order and government of the towns of Calcutta, Madras and Bombay.	Section one hundred and fifty-seven.
9 Geo. IV., cap. seventy-four	An Act for improving the administration of criminal justice in the East Indies.	Sections five and six, and (so far as it relates to Coroners) section fifty-one.
Act No. IV of 1848 ...	An Act for regulating Coroners' juries ...	The whole.
Act No. XLV of 1850 ...	An Act to declare the law as to the jurisdiction of Coroners.	The whole.
Act No. XII of 1867 ...	An Act to amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras and Bombay.	In section twelve the words "or Coroner" and the last sentence.

STATEMENT OF OBJECTS AND REASONS.

The law relating to the Coroners at the three Presidency Towns is now inconveniently scattered among two Statutes and three Acts, and the object of this Bill is, not to make any substantial change in the law, but merely to consolidate these five enactments.

SIMLA;
The 26th August 1870.

J. F. STEPHEN.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th September 1870, and was referred to a Select Committee with instructions to make their report thereon in a week:—

No. 21 OF 1870.

A Bill to legalize the levy of certain duties on timber imported into Maulmain.

Preamble. Whereas certain duties were in the years 1864 and 1865 levied on foreign timber imported into Maulmain by the River Salween, and whereas doubts have been raised to the legality of the levy of such duties, and it is expedient to preclude such doubts; It is hereby enacted as follows:—

Legalization of levy of duties. 1. All duties levied between the first day of July 1864 and the second day of August 1865 (both inclusive) on foreign timber imported into Maulmain by the River Salween, shall be deemed to have been levied in accordance with law.

Indemnity-clause. 2. All officers and other persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had been in force; and no suit or other proceeding shall be maintained against any such officer or other person in respect of anything so done.

STATEMENT OF OBJECTS AND REASONS.

Since 1854, duties have been levied at Kadoe on the timber brought to Maulmain down the Salween River, which flows through Tenasserim. The authority for levying these duties was supposed to be given by Act XXX of 1854, section seven, which provides that teak timber floated down any river in the Martaban *or Tenasserim* provinces shall be charged with the same duty as that chargeable for the time being, under section six, on teak timber passing a river frontier Custom House, *i. e.*, according to section six, on the Rivers Irawádi and Sitang.

In 1863, however, the duties leviable on the Irawádi and the Sitang were abolished by a notification issued in the Foreign Department under Act IV of 1863, which gave effect to a treaty between Lord Elgin and the King of Burma. Thereupon the levy of duties on the Salween became unauthorised; but this change in the law, which of course was unintentional, remained till lately unnoticed either by the public or the local authorities.

The object of the present Bill is simply to legalize the levy of the duties on the Salween from the 1st July 1864 to the 2nd August 1865. For the time before the former date, the Limitation Act will provide. The time between the 2nd August 1865 and the present day is covered by Act VII of 1869.

SIMLA; *The 6th September* 1870. } J. F. STEPHEN.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, OCTOBER 1, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th September 1870, and was referred to a Select Committee with instructions to make their report thereon in a week:—

No. 21 OF 1870.

A Bill to legalize the levy of certain duties on timber imported into Maulmain.

Preamble. Whereas certain duties were in the years 1864 and 1865 levied on foreign timber imported into Maulmain by the River Salween, and whereas doubts have been raised to the legality of the levy of such duties, and it is expedient to preclude such doubts; It is hereby enacted as follows:—

Legalization of levy of duties. 1. All duties levied between the first day of July 1864 and the second day of August 1865 (both inclusive) on foreign timber imported into Maulmain by the River Salween, shall be deemed to have been levied in accordance with law.

Indemnity-clause. 2. All officers and other persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had been in force; and no suit or other proceeding shall be maintained against any such officer or other person in respect of anything so done.

STATEMENT OF OBJECTS AND REASONS.

Since 1854, duties have been levied at Kadoe on the timber brought to Maulmain down the Salween River, which flows through Tenasserim. The authority for levying these duties was supposed to be given by Act XXX of 1854, section seven, which provides that teak timber floated down any river in the Martaban *or Tenasserim* provinces shall be charged with the same duty as that chargeable for the time being, under section six, on teak timber passing a river frontier Custom House, *i. e.*, according to section six, on the Rivers Irawádi and Sitang.

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The object of the present Bill is simply to legalize the levy of the duties on the Salween from the 1st July 1864 to the 2nd August 1865. For the time before the former date, the Limitation Act will provide. The time between the 2nd August 1865 and the present day is covered by Act VII of 1869.

SIMLA; *The 6th September* 1870. } J. F. STEPHEN.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, OCTOBER 8, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 3rd October 1870.

No. 22 of 1870.

A Bill to consolidate the laws relating to Prisoners confined by order of a Court.

Preamble.

For the purpose of consolidating the laws relating to prisoners confined by order of a Court; It is hereby enacted as follows:—

Part I.—Preliminary.

Short title.

1. This Act may be called "The Prisoners' Act, 1870."

Local extent.

It extends to the whole of British India.

Commencement.

And it shall come into force on the passing thereof.

Repeal of Acts.

2. The Acts mentioned in the Schedule hereto annexed are repealed.

Part II.—Prisoners in the Presidency Towns.

Warrants and writs to be directed to Police Officers.

3. All writs or warrants for the arrest or apprehension of any person, issued or awarded by the High Court in the exercise of its ordinary, extraordinary, or other criminal jurisdiction, shall be directed to and executed by any officer of Police within the local limits of such jurisdiction.

Local Government may appoint Superintendent of Presidency Prisons.

4. The Local Government may appoint an officer who shall be called in Calcutta the Superintendent of the Presidency Prisons, and in Madras and Bombay the Superintendent of Prisons for the town of Madras or Bombay, as the case may be, and who shall have authority to receive and keep prisoners committed to his custody under the provisions of this Part.

Superintendents to detain persons committed.

5. The said prisons shall be the prisons of Calcutta, Madras, and Bombay respectively,

and the Superintendents so appointed are hereby respectively authorized and required to keep and detain all persons duly committed to their custody pursuant to the provisions of this Act, or otherwise, by any Court, Judge, Justice of the Peace, Magistrate of Police, Coroner, or other public officer lawfully exercising civil or criminal jurisdiction according to the exigency of any writ, warrant or order by which such person has been committed, or until such person is discharged by due course of law.

Superintendents to return writs, &c., after execution or discharge with certificates.

6. The said Superintendent shall forthwith after the execution of every such writ, order, or warrant, except warrants of commitment for trial, or after the discharge of the person committed thereby, return such writ, order, or warrant to the Court or other officer by which or by whom the same has been issued

or made, together with a certificate endorsed thereon and signed by such Superintendent, showing how the same has been executed, or why the person committed thereby has been discharged from custody before the execution thereof.

7. Whenever any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to imprisonment or to death, the Court shall cause him to be delivered to the said Superintendent, together with the warrant of the said Court, and such warrant shall be executed by such Superintendent and returned by him to the High Court when executed.

Persons sentenced by High Court to imprisonment or death to be delivered to the Superintendent.

8. Whenever any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to transportation or penal servitude, the Court shall cause him to be delivered for intermediate custody to the said Superintendent, and the imprisonment of such person shall have effect from such delivery.

Persons sentenced by High Court to transportation or penal servitude to be delivered for intermediate custody to Superintendent.

9. Whenever any Judge of a High Court makes, under any Act for the time being in force for punishing mutiny and desertion, and for the better payment of the Army and their quarters, order for the intermediate custody of an offender sentenced by a Court Martial holden in India, the Judge shall order such offender to be detained for intermediate custody by the said Superintendent.

Order under Mutiny Act for intermediate custody.

10. Whenever any person is committed by the High Court, whether in execution of a decree or for contempt of Court, or other cause, he shall be taken by the officer to be inted for that purpose by such Court, and be delivered to the said Superintendent, to- her with a warrant of commitment.

ittals by Court in execu- of a decree or ontempt.

11. Whenever any person is sentenced by a Magistrate of Police for the town of Calcutta, Madras, or Bombay, to imprisonment, either absolutely or for default of payment of any fine imposed by any such Magistrate, or is committed to prison for failure to find security to keep the peace and to be of good behaviour, the Magistrate shall cause him to be delivered to the said Superintendent, together with a warrant of the Court.

Persons sentenced by Magistrate of Police to imprisonment, or imprisoned for non-payment of fine, to be delivered to Superintendent with a warrant.

12. Every person committed by a Justice of the Peace or Magistrate or Coroner for trial by the High Court in the exercise of its original criminal jurisdiction shall be delivered to the said Superintendent, together with a warrant of commitment directing him to have the body of such person before the Court for trial, and such Superintendent shall, as soon as practicable, cause such person to be taken before the Court at a Criminal Session of the said Court, together with the warrant of commitment, in order that he may be dealt with according to law.

Persons committed by Justice or Magistrate or Coroner for trial by High Court to be delivered to Superintendent with warrant.

13. Pending any such enquiry as is mentioned in section eight of Act No. XXIII of 1861 *(to amend Act VIII of 1859)*, which the High Court considers it necessary to make, the defendant may be delivered by the officer of the said Court to the said Superintendent, subject to the provisions as to deposit of fees and as to release on security contained in the same section,

Custody, pending enquiry under Act XXXIII of 1861, section 8.

and such Superintendent is hereby authorized and required to detain such defendant in safe custody until he is redelivered to the Officer of the Court for the purpose of being taken before the said Court in pursuance of an order of the said Court or of a Judge thereof, or until he is released by due course of law.

14. Every person arrested in pursuance of a writ, warrant, or order of the High Court, in the exercise of its original civil jurisdiction,

Persons arrested in pursuance of warrant of High Court, or Small Cause Court, to be delivered to Superintendent.

or in pursuance of a warrant of any Court established in Calcutta, Madras or Bombay under Act No. IX of 1850 *(for the more easy recovery of small debts and demands in Calcutta, Madras and Bombay)*,

or in pursuance of a warrant issued under section three of this Act,

shall be brought without delay before the Court by which, or by a Judge of which, the writ, warrant, or order was issued, awarded, or made, or before a Judge thereof, if the said Court, or a Judge thereof, is then sitting for the exercise of original jurisdiction; and if such Court, or a Judge thereof, is not then sitting for the exercise of original jurisdiction, shall, unless a Judge of the said Court otherwise orders, be delivered to the said Superintendent for intermediate custody, and shall be brought before the said Court, or a Judge thereof, at the next sitting of the said Court, or of a Judge thereof, for the exercise of original jurisdiction, in order that such person may be dealt with according to law;

and the said Court or Judge shall have power to make or award all necessary orders or warrants for that purpose.

15. Any warrant of commitment under Regulation III of 1818 of the Bengal Code *(for the confinement of State prisoners)*, Regulation II of 1819 of the Madras Code *(for the confinement of State prisoners)*, and Regulation XXV of 1827 of the Bombay Code *(for the confinement of State prisoners, and for the attachment of the lands of Chieftains and others, for reasons of State)*, may be directed to the said Superintendent in the same manner as the same might have been directed to the Sheriff under Act No. XXXIV of 1850 *(for the better custody of State prisoners)*, and Act No. III of 1858 *(to amend the law relating to the arrest and detention of State prisoners)*.

Warrants under Regulations for confinement of State prisoners may be directed to Superintendent.

16. Section twenty-five of Act No. XLVIII of 1860, shall be construed in Bombay as if the words "Superintendent of prisons for the town of Bombay," were substituted for the words "Keeper or Governor of the Jail or House of Correction."

Construction of section 25 of Act No. XLVIII of 1860.

PART III.—PRISONERS IN THE MOFUSSIL.

17. Officers in charge of prisons situate outside the local limits of the ordinary original civil jurisdictions of the High Courts of Judicature at Fort William, Madras and Bombay, shall be competent to give effect to any sentence passed by any Court or tribunal acting under the authority of Her Majesty, or of the Governor General of India in Council, or of any Local Government.

Officers in charge of prisons may give effect to sentences passed by certain Courts.

18. A warrant under the official signature of an officer of such Court or tribunal shall be sufficient authority for holding any prisoner in confinement, or for sending any prisoner for transportation beyond sea, in pursuance of the sentence passed upon him.

Warrant of officer of such Court to be sufficient authority.

19. Any officer in charge of a prison doubting the legality of any warrant sent to him for execution under this Part, or the competency of the person whose official seal and signature are affixed thereto to pass the sentence and issue such warrant, shall refer the matter to the Local Government, by whose order on the case such officer and all other public officers shall be guided as to the future disposal of the prisoner.

Pending any such reference, the prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant.

Procedure where jailor doubts the legality of warrant sent to him for execution.

Persons convicted in Native States.

20. The Local Government may authorize the reception, detention, or imprisonment in any place under such Government, for the periods specified in their respective sentences, of persons sentenced within the territories of any Native Prince or State in alliance with Her Majesty to imprisonment or transportation for any of the following offences,—

Imprisonment in British India of persons convicted of certain offences in Native States.

thuggee, dacoity, belonging to any gang of thugs or dacoits,

murder, culpable homicide,

administering poison or any other thing with intent to cause hurt or commit, or to facilitate the commission of an offence,

rape, voluntarily causing grievous hurt,

child-stealing, selling females, robbery, housebreaking, cattle theft,

malicious and wilful burning of houses, forgery, counterfeiting coin, or uttering counterfeit coin,

criminal breach of trust, criminal misappropriation of property,

attempt to commit any of the above offences,

abetment within the meaning of the Indian Penal Code of suicide by burning or burying alive *(samádh)*, or of any of the other offences above specified,

and for such other offences as the Governor General in Council, from time to time, by order published in the *Gazette of India*, thinks fit to prescribe:

Provided always that such sentences have been pronounced after trial before a tribunal in which an officer of Government, duly authorized in that behalf by such Native Prince or State, is one of the presiding Judges.

Proviso.

21. Every officer of Government so authorized as aforesaid shall forward with every prisoner a certificate of his conviction, and a copy of the proceedings held at the trial, that the same may be forthcoming for reference at the place where the sentence of imprisonment or transportation is carried into effect.

Certificate of conviction.

Copy of proceedings.

PART IV.—CONVICTS SENTENCED TO PENAL SERVITUDE.

22. Every person sentenced to be kept in penal servitude may, during the term of the sentence, be confined in such prison within British India as the Governor General of India in Council by general order, from time to time, directs;

Person under sentence of penal servitude where to be sent, and how to be dealt with.

and may, during such time, be kept to hard labour;

and may, until he can conveniently be removed to such prison, be imprisoned, with or without hard labour, and dealt with in all other respects as persons sentenced by the convicting Court to rigorous imprisonment may, for the time being, by law be dealt with:

Intermediate imprisonment.

The time of such intermediate imprisonment, and the time of removal from one prison to another, shall be taken and reckoned in discharge, or part discharge, of the term of the sentence.

Time of intermediate imprisonment to count in discharge of sentence.

23. All Acts and Regulations now in force within British India, with respect to convicts under sentence of transportation, or under sentence of imprisonment with hard labour, shall, so far as may be consistent with the express provisions of this Act, be construed to apply to persons under any sentence of penal servitude.

Acts respecting convicts under sentence of transportation or imprisonment with hard labour applied to persons under sentence of penal servitude.

24. The Governor General in Council may grant to any convict hereafter to be sentenced to be kept in penal servitude, a license to be at large within British India or in such part thereof as in such license is expressed, during such portion of his term of servitude, and upon such

Power to grant license to be at large to convict under sentence of penal servitude.

conditions as to the Governor General in Council seem fit.

The Governor General in Council may at any time revoke or alter such license.

Holder of license to be allowed to go at large.

25. So long as such license continues in force and unrevoked, such convict shall not be liable to imprisonment or penal servitude by reason of his sentence, but shall be allowed to go and remain at large according to the terms of such license.

If license revoked, the convict may be apprehended.

26. In case of the revocation of any such license as aforesaid, any Secretary to the Government of India may, by order in writing, signify to any Justice of the Peace or Magistrate that such license has been revoked, and require him to issue a warrant for the apprehension of the convict to whom such license was granted, and such Justice or Magistrate shall issue his warrant accordingly.

Execution of warrant.

27. Such warrant may be executed by any officer to whom it may be directed or delivered for that purpose in any part of British India, and shall have the same force in any place within British India as if it had been originally issued or subsequently endorsed by a Justice of the Peace, or Magistrate, or other authority having jurisdiction in the place where the same is executed.

Apprehended convict to be brought up for recommitment.

28. The convict, when apprehended under such warrant, shall be brought, as soon as conveniently may be, before the Justice or Magistrate by whom it has been issued, or some other Justice or Magistrate of the same place, or before a Magistrate or Justice having jurisdiction in the district in which the convict is apprehended.

Such Justice or Magistrate shall thereupon make out his warrant under his hand and seal, for the recommitment of the convict to the prison from which he was released by virtue of the said license.

Recommitment.

29. Such convict shall be recommitted accordingly, and shall thereupon be liable to be kept in penal servitude for such further period as, with the time during which he may have been imprisoned under the original sentence and the time during which he may have been at large under an unrevoked license, is equal to the period mentioned in the original sentence.

Penalty for breach of condition of the license.

30. If a license be granted under section twenty-five upon any condition specified therein, and the convict to whom the license is granted violates any such condition,

or goes beyond the limits specified in the license,

or, knowing of the revocation of such license, neglects forthwith to surrender himself, or conceals himself, or endeavours to avoid being apprehended, he shall be liable upon conviction to be sentenced to penal servitude for a term not exceeding the full term of penal servitude mentioned in the original sentence.

PART V.—REMOVAL OF CONVICTS.

Power to remove prisoners sentenced by High Court from one jail to another in the territories under Local Government.

31. When any person is, or has been, sentenced to imprisonment by a Court established by Royal Charter, the Local Government may order his removal during the period prescribed for his imprisonment, from the jail in which he is confined to any other jail within the territories subject to the same Local Government.

Lunatic prisoners sentenced by High Court may be removed to asylum.

32. Whenever it appears to the Local Government that any person, imprisoned by the sentence of a Court established by Royal Charter, is of unsound mind, such Government, by a warrant setting forth the grounds of belief that such prisoner is of unsound mind, may order his removal to a lunatic asylum, or other fit place of safe custody, within the territories subject to the same Government, there to be kept and treated as the Local Government directs during the remainder of the term of imprisonment ordered by the sentence; or if it be certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be detained under medical care or treatment, then, until he is discharged, according to law.

Remand on recovery.

When it appears to the said Government that such prisoner has become of sound mind, the Local Government, by a warrant directed to the person having charge of the prisoner, shall remand him to the prison from which he was removed, if then still liable to be kept in custody, or if not, shall order him to be discharged.

Discharge.

Act XXXVI of 1858, section 9, applied to prisoners in lunatic asylum.

The provisions of section nine of Act XXXVI of 1858 *(relating to Lunatic Asylums)* shall apply to every person confined in a lunatic asylum under this section after the expiration of the term of imprisonment to which he has been sentenced; and the time during which he has been so confined shall be reckoned as part of such term.

Governor General in Council may order removal of prisoners from one prison to another.

33. When any person is, or has been, sentenced to imprisonment by any Court, the Governor General in Council may order his removal during the period prescribed for his imprisonment, from the prison in which he is confined to any other prison in British India.

PART VI.—MANAGEMENT OF TRANSPORTED CONVICTS.

Right to service of convicts.

34. As soon as any offender is delivered to the person appointed by the Governor General in Council in this behalf at the place to which such offender is transported, the property in his service shall, during the term of transportation, vest in the person so appointed.

Power to appoint persons to whom convicts shall be delivered.

35. The Governor General in Council may appoint the Governor or other authority at any place in British India, or one or more Superintendents at any such place, as the persons to whom convicts undergoing transportation shall be delivered, and in whom the property in their service shall vest as aforesaid.

Power to make rules as to convicts.

36. The Governor General in Council may, from time to time, prescribe rules as to the following matters:—

the classification of convicts;

their confinement, treatment, and discipline;

their punishment for misbehaviour, disorderly conduct, neglect, or disobedience.

PART VII.—DISCHARGE OF CONVICTS.

Discharge of convicts recommended for pardon.

37. Any Court established under the twenty-fourth and twenty-fifth of Victoria, chapter one hundred and four, may in any case in which it has recommended to Her Majesty the granting of a free pardon to any convict, permit him to be at liberty on his own recognizance.

SCHEDULE.

(See Section 2.)

Number and Year.	Title.	Extent of Repeal.
Act VII of 1837 ...	Charter Courts' power to discharge convicts recommended for pardon.	The whole.
Act XVI of 1840 ...	An Act concerning the management of convicts transported to places within the territories of the East India Company.	The whole.
Act XXIV of 1855 ...	An Act to substitute penal servitude for the punishment of transportation in respect of European and American convicts, and to amend the law relating to the removal of such convicts.	Sections five, six, seven, nine, ten, eleven, twelve.
Act XVII of 1860 ...	An Act to repeal Act V of 1858 (for the punishment of certain offenders who have escaped from jail, and of persons who shall knowingly harbour such offenders) and to make certain provisions in lieu thereof.	The whole.
Act VIII of 1863 ...	An Act for the amendment of the law relating to the confinement of prisoners.	The whole.
Act VIII of 1865 ...	An Act to make valid the imprisonment of certain persons arrested under the process of the High Court of Judicature at Fort William in Bengal, in the exercise of its ordinary original civil jurisdiction.	The whole.
Act II of 1867 ...	An Act to make further provision for the removal of prisoners.	The whole.
Act XII of 1867 ...	An Act to amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras and Bombay.	The whole.
Act XXVI of 1869 ...	An Act to correct a clerical error in Act VIII of 1863.	The whole.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to consolidate the nine Acts which contain the law relating to prisoners confined by the order of a Court. The Bill preserves intact the substance of the existing law; but some improvements have been made in its arrangement and wording.

SIMLA; *The 20th September* 1870. } F. R. COCKERELL.

WHITLEY STOKES,
Secretary to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 3rd October 1870.

No. 23 OF 1870.

A Bill to consolidate the law relating to Trespasses by Cattle.

Whereas it is expedient to consolidate the law relating to trespasses by cattle; It is hereby enacted as follows:— Preamble.

Preliminary.

Short title. **1.** This Act may be called 'The Cattle-trespass Act, 1870.'

Local extent. It extends to the whole of British India, except such districts or tracts of country as the Local Government, with the sanction of the Governor General in Council, may exclude from its operation.

Commencement. And it shall come into force on the passing thereof.

Repeal of Acts. **2.** The Acts mentioned in the Schedule hereto annexed shall be repealed to the extent specified in the third column of the said Schedule.

References to any of the said Acts in Acts passed subsequently thereto shall be read as if made to this Act.

Impounding Cattle.

Cattle doing damage to land may be seized and impounded. **3.** The cultivator or occupier of any land,

or any person who has advanced cash for the cultivation of the crop or produce on any land,

or the vendee or mortgagee of such crop or produce, or any part thereof,

may seize or cause to be seized any cattle trespassing on such land, and doing damage thereto or to any crop or produce thereon, and take them without unnecessary delay to the pound established for the village in which the land is situate.

Police to aid seizures. All Officers of Police shall, when required, give their aid to persons making such seizures.

Where pound shall be established. **4.** Pounds shall be established at the district police stations, and at such other places as the Magistrate of the District, under the orders of the Local Government, may determine.

The village by which every pound is to be used shall be determined and notified by the Magistrate of the District.

Controul and management of pounds. **5.** The pounds shall be under the controul of the Magistrate of the District, and for each pound a pound-keeper shall be appointed, who shall keep such registers and furnish such returns as the Local Government from time to time directs:

Provided that, in the Presidency of Fort St. George, the village Inspectors, and, in the Presidency of Bombay, the heads of villages and police pátils, shall be *ex-officio* the keepers of village pounds.

Seizures to be registered. **6.** When cattle are brought to a pound, the pound-keeper shall enter in his register the number and description of the animals, the name and residence of the seizer, and the name and residence of the owner, if known, and shall give the seizer a copy of the entry.

Pound-keeper to take charge of and feed cattle. The pound-keeper shall take charge of and feed the cattle until disposed of as hereinafter directed.

Fines.

Fines. **7.** For every head of cattle impounded as aforesaid, a fine shall be levied according to the following scale:

	Annas.
Camel or buffalo	eight.
Horse or pony, bull, bullock, or cow ...	four.
Calf or ass	two.
Sheep or goat	one.

No cattle shall be released by a pound-keeper without the payment of such fine, unless the release be ordered by competent authority.

Delivery or Sale of Cattle.

Procedure if owner appear and claim the cattle. **8.** If the owner appear and claim the cattle, they shall be delivered to him on payment of the prescribed fine, together with the expenses of feeding the cattle at such rates as may from time to time be fixed by the Magistrate of the District.

The owner, on taking back his cattle, shall sign a receipt for them in the register kept by the pound-keeper.

A list of the fines and of the rates of charge for feeding cattle shall be stuck up in a conspicuous place on or near to every pound.

Procedure if cattle be not claimed within a specified time. **9.** If the cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall report the fact to such officer of Police as the Local Government appoints in this behalf.

Such officer shall thereupon stick up in a conspicuous part of the Police Office a notice stating—

(a) the number and description of the cattle,

(b) the place where they were seized,

(c) the place where they are impounded,

and shall cause proclamation of the same to be made by beat of drum in the village, and at the marketplace nearest to the place of seizure.

If the cattle be not claimed within seven days from the date of the notice, they shall be sold by public auction by the said Officer of Police, or an officer of his establishment deputed for the purpose.

Procedure if owner appear and refuse or omit to pay the fines and expenses. **10.** If the owner appear and refuse or omit to pay the said fines and expenses, the cattle, or as many of them as may be necessary, shall be sold by public auction by the said Officer of Police.

The remaining cattle, and the balance of the purchase-money, if any, shall be delivered to the owner, together with an account showing—

(a) the number of cattle seized,

(b) the time during which they have been impounded,

(c) the charge for fines and expenses,

(d) the number of cattle sold,

(e) the proceeds of sale,

(f) the manner in which those proceeds have been disposed of.

The owner shall grant a receipt for the cattle delivered to him and for the balance of the purchase-money (if any) paid to him according to such account:

Proviso. Provided that, if a complaint against the seizure has been preferred under the provisions of section fourteen, no sale shall be made until the case has been decided, nor otherwise than according to the order passed in such case.

Police Officers and pound-keepers not to purchase cattle at a sale under this Act. **11.** No Police Officer or pound-keeper shall, directly or indirectly, purchase any cattle at a sale under this Act.

Disposal of sale-proceeds, fines, and expenses. **12.** When cattle are sold under this Act, the fines leviable and the expenses of feeding, together with the expenses of sale, if any, shall be deducted from the proceeds of the sale.

The Officer of Police by whom the sale was made shall send to the Magistrate of the District the fines so deducted, as well as all fines received by the pound-keepers under section eight.

The expenses of feeding so deducted shall be paid over to the pound-keepers, who shall also retain and appropriate all sums received by them on account of such expenses under section eight.

The surplus proceeds of the sale of unclaimed cattle shall be sent to the Magistrate of the District, who shall hold them in deposit for three months, and, if no claim thereto be preferred and established within that period, shall, at its expiry, dispose of them as hereinafter provided.

Application of fines and unclaimed proceeds of sales. **13.** Out of the sums received on account of fines and the unclaimed proceeds of the sale of unclaimed cattle shall be paid—

(a) the salaries allowed to pound-keepers under the orders of the Local Government,

(b) the expenses incurred for the construction and maintenance of pounds, or for any other purpose connected with the execution of this Act;

and the surplus (if any) shall be applied, under orders of the Local Government, to the construction and repair of roads and bridges and other works of a like nature.

Complaints of Illegal Seizures.

Owner may prefer complaint to Magistrate within ten days from date of seizure of his cattle. **14.** Any person whose cattle have been seized and detained as doing damage to land or any crop or produce thereon may prefer a complaint at any time within ten days from the date of the seizure to any Magistrate authorized to receive and try charges without reference by the Magistrate of the District.

Procedure. The complaint may be either verbal, in which case the substance of it shall be taken down in writing by the Magistrate or other officer as aforesaid, or written upon unstamped paper; and shall be preferred by the complainant in person, or by an agent personally acquainted with the circumstances.

If the Magistrate on examining the complainant or his agent sees reason to believe the complaint to be well founded, he shall summon the person complained against, and make a summary enquiry into the case.

Compensation for illegal seizure. If the seizure be adjudged illegal, the Magistrate shall award to the complainant for the loss caused by the seizure and detention reasonable compensation, not exceeding one hundred rupees, to be paid by the person who made the seizure, together with all expenses incurred by the complainant in procuring the release of the cattle; and if the cattle have not been released, the Magistrate shall, besides awarding such compensation, order their release and direct that the fines and expenses leviable under this Act shall be paid by the person who made the seizure.

Munsifs and others may be invested with power to adjudicate under this section. Munsifs and other judicial officers having original jurisdiction, and not invested with criminal powers, may be specially invested by the Local Government with the power of receiving and trying complaints under this section, and in the exercise of such powers shall be subject to the same rules as Assistants and other officers subordinate to the Magistrate of the District.

All compensation awarded under this section shall be recoverable as if it were a fine imposed by the Magistrate awarding it.

Cattle damaging Roads, Canals, Embankments.

15. Persons in charge of public roads, canals, embankments, and the like, may seize, or cause to be seized, any cattle doing damage to the sides or slopes of such roads, canals, embankments, and the like; and all the foregoing provisions of this Act shall apply to such seizures.

Impounding cattle doing damage to public roads, canals, embankments.

Stray Cattle.

16. Village and other Police Officers shall take to the pounds established under section four all cattle, the owners of which are unknown, found straying in any public road or place; and the provisions of this Act relative to the detention, release, and sale of cattle seized as trespassing and doing damage, shall apply to all cattle so taken.

Impounding of stray cattle, the owners of which are unknown.

Penalties.

17. Whoever forcibly opposes the seizure of cattle liable to be seized under this Act,

Penalty for forcibly opposing the seizure of cattle or rescuing the same.

or forcibly rescues the same after seizure either from a pound, or from the seizer when conveying or about to convey them to a pound,

shall, on conviction before a Magistrate, be punishable with imprisonment for a period not exceeding six months, or with fine not exceeding five hundred rupees, or with both.

18. When any person commits mischief by causing cattle to trespass on any land, the penalty provided for such offence may be adjudged on the complaint of any person authorised to seize cattle under section three.

Recovery of penalty for mischief committed by causing cattle to trespass.

Any fine so adjudged may be recovered by sale of all or any of the cattle by which the trespass was committed, whether they were seized in the act of trespassing or not, and whether they are the property of the person convicted of the offence, or were only in his charge when the trespass was committed.

19. Any owner or keeper of pigs, who, through neglect or otherwise, damages or causes or permits to be damaged any land, or any crop or produce of land, or any public road, by allowing such pigs to trespass thereon, shall, on conviction before a Magistrate, be punished with fine not exceeding ten rupees.

Penalty for damage caused to land or crops or public roads by pigs.

All fines recovered under this and the last preceding section may be appropriated in whole or in part as compensation for loss proved to the satisfaction of the Magistrate.

Application of fines.

Suits for Compensation.

20. Nothing herein contained prohibits any person, whose crops or other produce of land have been damaged by trespass of cattle, from suing for compensation in any competent Court:

Saving of right of parties to sue for compensation.

Provided that any compensation paid to him under this Act by order of the Magistrate, shall be set off and deducted from any sum claimed by or awarded to him as compensation in such suit.

Proviso.

SCHEDULE.

Number and Year.	Title of Act.	Extent of Repeal.
III of 1857 ..	An Act relating to trespasses by cattle.	So much as has not been repealed.
V of 1860 ...	An Act to amend Act III of 1857 (relating to trespasses by cattle).	The whole.
XXII of 1861	An Act to amend Act III of 1857 (relating to trespasses by cattle).	So much as has not been repealed.

STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to consolidate the law relating to cattle-trespass, which is now scattered through three Acts,—III of 1857, V of 1860, and XXII of 1861. The opportunity has been taken to improve the arrangement and the wording of the law; to provide that damages awarded for illegal seizures may be recovered as if they were fines; and (with reference to the case of *Reg.* v. *Linganá bin Ginbaná*, 4 Bom. High Court Rep. C. C. 14) to declare expressly that a person who, through neglect, permits a public road to be damaged by allowing his pigs to trespass thereon, is liable to be fined. The cases of *Reg.* v. *Mír Saheb Cassamia*, 1 Bom. High Court Rep. 100; *Reg.* v. *Mathúr Purshotam*, 4 *ib.* C. C. 13; and *Reg.* v. *Gangá Kom Mhasu*, 5 *ib.* C. C. 13, have also been carefully considered.

SIMLA; *The 20th September* 1870. } F. R. COCKERELL.

WHITLEY STOKES,
Secretary to the Govt. of India.

The following preliminary Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 3rd October 1870:—

No. 20 OF 1870.

THE CORONERS' BILL, 1870.

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A Bill to consolidate the laws relating to Coroners.

Whereas it is expedient to consolidate the laws relating to Coroners in the Presidency Towns; It is hereby enacted as follows:—

Preamble.

I.—Preliminary.

1. This Act may be called "The Coroners' Act, 1870."

Short title.

It extends to the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William, Madras and Bombay.

Local extent.

And it shall come into force on the passing thereof.

Commencement.

2. The enactments mentioned in the Schedule hereto annexed are repealed.

Repeal of enactments.

II.—Appointment of Coroners.

3. Within the local limits of the ordinary original civil jurisdiction of each of the said High Courts there shall be a Coroner. Such Coroners shall be called, respectively, the Coroner of Calcutta, the Coroner of Madras, and the Coroner of Bombay.

Coroners of Calcutta, Madras and Bombay.

4. Every such officer shall be appointed and may be suspended or removed by the Local Government.

Their appointment, suspension and removal.

Every person now holding such office shall be deemed to have been appointed under this Act.

Present Coroners.

5. Every Coroner shall be deemed a public servant within the meaning of the Indian Penal Code.

Coroners to be public servants.

6. Any Coroner may hold simultaneously any other office under Government.

Power to hold other offices.

7. Every person hereafter appointed to the office of Coroner shall take and subscribe, before one of the Judges of the High Court, an oath that he will faithfully discharge the duties of his office.

Oath to be taken by Coroner.

III.—Duties and Powers of Coroners.

8. When a Coroner is informed that the death of any person has been caused by accident, homicide, suicide, or suddenly by means unknown, or that any person being a prisoner has died in prison,

Jurisdiction to enquire into deaths.

and that the body is lying within the place for which the Coroner is so appointed, the Coroner shall inquire into the cause of death.

Every such inquiry shall be deemed a judicial proceeding within the meaning of section one hundred and ninety-three of the Indian Penal Code.

9. Whenever a prisoner dies in a prison situate within the place for which a Coroner is so appointed, the Superintendent of the prison shall send for the Coroner before the body is buried. Any Superintendent failing herein shall on conviction before a Magistrate be punished with fine not exceeding five hundred rupees.

Coroner to be sent for when prisoner dies.

10. Whenever an inquest ought to be holden on any body lying dead within the local limits of the jurisdiction of any Coroner he shall hold such inquest, whether or not the cause of death arose within his jurisdiction.

Power to hold inquests on bodies within local limits, wherever cause of death occurred.

11. A Coroner may order a body to be disinterred within a reasonable time after the death of the deceased person, either for the purpose of taking an original inquisition where none has been taken, or a further inquisition where the first was insufficient.

Power to order body to be disinterred.

12. On receiving notice of any death mentioned in section eight the Coroner shall summon five, seven, nine, eleven, thirteen or fifteen persons qualified and liable to serve as jurors under Act No. XIII of 1865 to appear before him at a time and place to be specified in the summons, for the purpose of enquiring when, how, and by what means the deceased came by his death.

Summoning jury.

Any inquest under this Act may be held on a Sunday.

Inquest may be on Sunday.

13. When the time arrives, the Coroner shall proceed to the place so specified, open the Court by proclamation, and call over the names of the jurors.

Opening Court.

14. When a full jury is in attendance, he shall administer an oath to each juror to give a true verdict according to the evidence, and shall then proceed with the jury to view the body.

Jurors to be sworn.

15. The Coroner and the jury shall view and examine the body at the first sitting of the inquest, and the Coroner shall make such observations to the jury as the appearance of the body requires.

View of body.

16. The Coroner shall then make proclamation for the attendance of witnesses, or, where the inquiry is conducted in secret, shall call in separately such as know anything concerning the death.

Proclamation for witnesses.

17. It shall be the duty of all persons acquainted with the circumstances attending the death to appear before the inquest as witnesses, and the Coroner shall enquire of such circumstances and the cause of the death, and if before or during the enquiry he is informed that any person can give evidence material thereto, may issue a summons requiring him to attend and give evidence on the inquest.

Summoning witnesses.

18. The Coroner may direct the performance of a *post-mortem* examination, with or without an analysis of the contents of the stomach or intestines, by any medical witness summoned to attend the inquest, and every such witness shall be entitled to such reasonable remuneration as the Coroner thinks fit.

Post-mortem examinations.

Fees to medical witnesses.

19. All evidence given under this Act shall be on oath, and the Coroner shall be bound to receive evidence on behalf of the party (if any) accused of causing the death of the deceased person.

Evidence to be on oath.

Evidence on behalf of accused.

Witnesses unacquainted with the English language shall be examined through the medium of an interpreter, who shall be sworn to interpret truly as well the oath as the questions put to, and the answers given by, the witnesses.

Interpreter.

After each witness has been examined, the Coroner shall enquire whether the jury wish any further questions to be put to the witness, and if the jury wish that any such questions should be put, the Coroner shall put them accordingly.

Questions suggested by jury.

20. The Coroner shall commit to writing the material parts of the evidence given to the jury, and shall read over such parts to the witness and then procure his signature thereto;

Coroner to take down evidence in writing.

any witness refusing so to sign shall be deemed to have committed an offence under section one hundred and eighty of the Indian Penal Code;

Witnesses to sign depositions.

every such deposition shall be subscribed by the Coroner.

Coroner to subscribe depositions.

21. The Coroner may adjourn the inquest from time to time, and from place to place.

Adjournment of inquest.

Whenever the inquest is adjourned the Coroner shall take the recognizances of the jurors to attend at the time and place appointed, and notify to the witnesses when and where the inquest will be proceeded in.

22. When all the witnesses have been examined, the Coroner shall sum up the evidence to the jury, and the jury shall then consider of their verdict.

Coroner to sum up to jury.

23. When the verdict is delivered, the Coroner shall draw up the inquisition according to the finding of the jury, or, when the jury is not unanimous, according to the opinion of the majority.

Coroner to draw up inquisition.

24. Every inquisition under this Act shall be signed by the Coroner with his name and style of office and by the jurors, and shall set forth—

Contents of inquisition.

(1) where, when, and before whom the inquisition is holden,

(2) who the deceased is,

(3) where his body lies,

(4) the names of the jurors and that they present the inquisition upon oath,

(5) where, when, and by what means the deceased came by his death; and

(6) if his death was occasioned by the criminal act of another, who is guilty thereof.

If the name of the deceased be unknown, he may be described as a certain person to the jurors unknown.

Every such inquisition may be in the form set forth in the second Schedule to this Act, with such variation as the circumstances of each case require.

25. When the verdict is that the death has been caused by culpable homicide amounting to murder, or to culpable homicide not amounting to murder, or by killing by a rash or negligent act, the Coroner shall bind by recognizance any person knowing or declaring anything material touching such murder, homicide, or killing to appear at the next criminal sessions at which the trial is to be, then and there to prosecute or give evidence against the party charged.

Procedure where verdict amounts to murder, culpable homicide, or killing by negligence.

The Coroner shall certify and subscribe such recognizances, and deliver the same, together with the inquisition and evidence, to the proper officer of the Court in which the trial is to be, before or at the opening of the Court.

Coroner to certify and deliver inquisition, depositions, and recognizances.

The Coroner shall also, where the verdict justifies him in so doing, issue his warrant for the apprehension of the person accused and commit him to prison, or if he be already in prison, issue a detainer to the officer in charge of the jail in which he is.

Warrant against person accused.

26. No inquisition found upon or by any inquest shall be quashed for any technical defect.

Inquisitions not to be quashed for want of form.

In any case of technical defect, a Judge of the High Court may, if he thinks fit, order the inquisition to be amended, and the same shall forthwith be amended accordingly.

Amendment of inquisition.

27. It shall no longer be the duty of any Coroner to enquire of treasure trove or wrecks, or to execute process, or to exercise as Coroner any jurisdiction not expressly conferred by this Act.

Cessation of jurisdiction as to treasure trove and wrecks.

IV.—Coroners' Juries.

28. Whenever any person has been duly summoned to appear as a juror by a Coroner, and fails or neglects to attend at the time and place specified in the summons, the Coroner may cause him to be openly called in his Court three times to appear and serve as a juror; and upon the non-appearance of such person, and proof that such summons has been served upon him, or left at his usual place of abode, may impose such fine upon the defaulter, not exceeding fifty rupees, as to the Coroner seems fit.

Fine on juror neglecting to attend.

The Coroner shall make out and sign a certificate, containing the name and surname, the residence and trade or calling of every person so making default, together with the amount of the fine so imposed, and the cause of such fine,

Certificate as to defaulting juror.

and shall send such certificate to one of the Magistrates of the place of which he is the Coroner,

and shall cause a copy of such certificate to be served upon the person so fined, by having it left at his usual place of residence, or by sending the same through the Post Office, addressed as aforesaid and registered.

Service of copy of certificate.

29. Thereupon such Magistrate shall cause the fine to be levied in the same manner as if it had been imposed by himself.

Levy of fine.

30. Unless in case of necessity, no person who has appeared, or has been summoned to appear, as a juror on an inquest and has not made default, shall, within one year after such appearance or summons, be summoned to appear as a juror under this Act.

Jurors not to be twice summoned within the year.

31. When an inquest is held on the body of a prisoner dying within a prison, no officer of the prison and no prisoner confined therein shall be a juror on such inquest.

Jurors on inquest on prisoner.

V.—Rights and Liabilities of Coroners.

32. Every Coroner shall be entitled to such salary for the performance of the duty of his office, as is prescribed in that behalf by the Governor General in Council.

Coroner's salary.

33. All disbursements duly made by a Coroner for fees to medical witnesses, hire of rooms for the jury and the like, shall be repaid to him by the Local Government.

Disbursements to be repaid.

34. Every Coroner may from time to time, with the previous sanction of the Local Government, appoint, by writing under his hand, a proper person to act for him as his deputy in the holding of inquests.

Power to appoint deputy.

All inquests taken and other acts done by any such deputy, under or by virtue of any such appointment, shall be deemed to be the acts of the Coroner appointing him:

Provided that no such deputy shall act for any such Coroner except during the illness of the said Coroner, or during his absence for any lawful and reasonable cause.

Every such appointment may at any time be cancelled and revoked by the Coroner by whom it was made.

Revocation of appointment.

35. No Coroner or Deputy Coroner shall be liable to serve as a juror.

Exemption from serving on juries.

36. Coroners and Deputy Coroners are privileged from arrest while engaged in the discharge of their official duty.

Privilege from arrest.

37. Any Coroner or Deputy Coroner failing to comply with the provisions of this Act, or otherwise misconducting himself in the execution of his office, shall be liable to such fine as the Chief Justice of the High Court, upon summary examination and proof of the failure or misconduct, thinks fit to impose.

Penalty for failure to comply with Act.

38. No proceeding for anything done under this Act, or for any failure to comply with its provisions, shall be commenced or prosecuted after the expiration of six months from such fact or failure, nor after tender of sufficient amends.

Limitation of suits.

FIRST SCHEDULE.

Number and year.	Title.	Extent of repeal.
33 Geo. III, cap. fifty-two...	An Act for continuing in the East India Company, for a further term, the possessions of the British territories in India, together with their exclusive trade, under certain limitations; for establishing further Regulations for the government of the said territories and the better administration of justice within the same; for appropriating to certain uses the revenues and profits of the said company; and for making provision for the good order and government of the towns of Calcutta, Madras and Bombay.	Section one hundred and fifty-seven.
9 Geo. IV, cap. seventy-four	An Act for improving the administration of criminal justice in the East Indies.	Sections five and six and (so far as it relates to Coroners) section fifty-one.
Act No. IV of 1848 ...	An Act for regulating Coroners' juries ...	The whole.
Act No. XLV of 1850 ...	An Act to declare the law as to the jurisdiction of Coroners.	The whole.

SECOND SCHEDULE.

Form of Inquisition.

An inquisition taken at on the day of , 187 , before E F, Coroner of on view of the body of A B then and there lying dead, upon the oath of G H, I J, K L and M N, then and there duly sworn and charged to inquire when, how, and by what means the said A B came to his death.

We, the said jurors, find unanimously [*or* by a majority of] that the death of the said A B was caused, on or about the day of 187 , by [*here state the cause of death as in the following examples*—

1. *Cases of homicide*]— a blow on the head with a stick inflicted on him by C D, under such circumstances that the act of C D was justifiable [*or* accidental] homicide.
   — a stab on the heart with a knife inflicted on him by C D, under such circumstances that the act of C D was culpable homicide not amounting to murder [*or* culpable homicide amounting to murder, *or* killing by a rash or negligent act.]
2. *Cases of accident*]— falling out of a boat into the river Hughli, whereby he was drowned.
   — a kick from a horse which fractured his skull and ruptured blood-vessels in his head.
3. *Cases of suicide*]— shooting himself through the head with a pistol.
   — arsenic, which he voluntarily administered to himself.
4. *Cases of sudden death by means unknown*]— disease of the heart.
   — apoplexy.
   — sunstroke.

And so say the jurors upon their oath aforesaid.

Witness our hands. E F, Coroner of ;
G H, I J, K L, M N, O P (jurors).

REPORT.

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations, to which the Bill to consolidate the laws relating to Coroners has been referred, have the honour to present this preliminary report.

The Bill, as introduced, was intended merely to consolidate the existing law contained in two Statutes and three Acts, and it provided, in the words of 33 Geo. III., cap. 52, sec. 157, that the Coroners should exercise the like jurisdictions as by law might be exercised by Coroners elected for counties in England. We have struck out this provision, which would have necessitated constant reference to English statutes and text-books, and we have in lieu thereof codified such part of the English law of Coroners as seemed adapted to the Presidency towns.

The amended Bill accordingly declares the Coroner's jurisdiction to enquire into deaths by accident, homicide or suicide, sudden deaths by means unknown, and deaths of prisoners in prison. It enables him to order a body to be disinterred. It provides for summoning juries, swearing the jurors, viewing the body, summoning witnesses, and *post-mortem* examinations.

It declares that the evidence shall be taken on oath, that witnesses unacquainted with English shall be examined through an interpreter, that questions suggested by the jury shall be put, and that the Coroner shall take down the material parts of the evidence. Power is given to adjourn the inquest. When the witnesses have been examined, the Coroner will sum up, and the jury will consider of their verdict. When the verdict is delivered, the Coroner will draw up an inquisition setting forth the matters specified in section 24, and in the form given in the second Schedule.

When the verdict amounts to murder, culpable homicide, or killing by a rash or negligent act (the last mentioned offence is about to be added to the Penal Code), the Coroner will bind by recognizance any person acquainted with the facts to appear at the next Sessions, and prosecute or give evidence. The Coroner will also certify the recognizances and deliver them with the inquisition and evidence to the Court in which the trial is to be. He may also issue his warrant for the apprehension of the accused.

The amended Bill (section 27) expressly abolishes the Coroner's jurisdiction as to treasure trove and wrecks, and declares that he shall not be liable to execute process.

The Coroner of Calcutta will, under the amended Bill, be appointed by the Lieutenant-Governor of Bengal, and not by the Governor General in Council.

As to Coroners' juries, we have provided (section 31) that when an inquest is held on the body of a prisoner, no officer of the prison and no prisoner confined therein shall be a juror. There is a similar provision in the Schedule to the English Prisons' Act (28 & 29 Vic. c. 126), clause 48.

As to a Coroner's rights, we have added three clauses (33, 35, 36), one providing for repaying his disbursements for fees to medical witnesses, hire of rooms for the jury, and the like; another exempting him from serving on juries, and a third privileging him from arrest while engaged in the discharge of his official duty.

We have omitted the clause corresponding with Act XII of 1867, section 12, as this will more fitly be placed in the Prisoners' Bill now before the Council.

We have omitted, as unnecessary, the elaborate specification of the informalities in case of which the inquisition may be amended by a Judge of the High Court. For variances between the statements in the inquisition and the evidence, Act XVIII of 1862 (sections 1 and 57) appears to provide sufficiently.

We recommend that the Bill thus amended should, before being passed, be published with this report in the *Gazette of India*, that it be sent to the Governments of Madras, Bombay and Bengal, and that the opinions of those Governments, of the High Courts at the Presidency towns of the Advocates General and of the Coroners be obtained on its provisions.

J. F. STEPHEN.

F. R. COCKERELL.

SIMLA;
The 17th September 1870.

WHITLEY STOKES,
Secretary to the Govt. of India.

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations:—

No. 24 OF 1870.

THE INDIAN REGISTRATION BILL, 1870.

ARRANGEMENT OF SECTIONS.

PART I.

Preliminary.

Sections.
1. Short title.
   Local extent.
   Commencement.
2. Interpretation clause.
3. Enactments repealed.

PART II.

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A Bill for the Registration of Assurances.

Whereas it is expedient to consolidate and amend the laws relating to the registration of assurances and other instruments; It is hereby enacted as follows:—

Preamble.

PART I.

Preliminary.

Short title.

1. This Act may be called "The Indian Registration Act, 1870:"

Local extent.

It extends to the whole of British India except the territories administered by the Chief Commissioner of Oudh;

Commencement.

And it shall come into force on the first day of January 1871.

Interpretation-clause.

2. In this Act, unless there be something repugnant in the subject or context,

"Assurance." "Assurance" includes any instrument not testamentary purporting to deal with any interest in, or charge upon, immoveable property:

"Lease." "Lease" includes a counterpart, a kabúliyat, an undertaking to cultivate or occupy, and an agreement to lease; but not a pattá or muchalká, as respectively defined in section three of Act No. VIII of 1865 of the Governor of Fort St. George in Council, executed in the Madras Presidency:

"Bond." "Bond" denotes any instrument by which one person (the obligor) binds himself absolutely or conditionally to pay money to another person (the obligee):

"Bill of exchange." "Bill of Exchange" includes a hundí:

"Signature." "Signed." "Signature" and "signed" include and apply to the affixing of a mark:

"Immoveable Property." "Immoveable Property" includes land, buildings, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops, nor grass:

"Moveable Property." "Moveable Property" includes standing timber, growing crops and grass, fruit upon and juice in trees, and property of every other description, except immoveable property:

"Book." "Book" includes a portion of a Book and also any number of sheets connected together with a view of forming a Book or portion of a Book:

"Endorsement." "Endorsed." "Endorsement" and "endorsed" include and apply to an entry in writing by a Registering Officer on a rider or covering slip to any document tendered for registration under this Act:

"Representative." "Representative" includes the guardian of an infant and the Committee or other legal curator of a lunatic or idiot:

"Addition." "Addition" means the place of residence, and the profession, trade, rank, title or caste (if any) of a person described, and, in the case of a Native, his father's name:

"District Court." "Civil Court." "District Court" includes the High Court in its ordinary original civil jurisdiction: "Civil Court" does not include a Court for the relief of insolvent debtors:

"General Registry Office." "General Registry Office" includes a Branch General Registry Office:

"District." "Sub-District." "District" and "Sub-District" respectively mean a District and Sub-District formed under this Act.

Enactments repealed.

3. Act No. XXII of 1864, sections ten and forty-five, Act No. XX of 1866, and Act No. XXVII of 1868 are hereby repealed.

All appointments, rules and orders made, and all offices established, under any of the said Acts shall be deemed to have been made and established under this Act, except in so far as such rules and orders may be inconsistent herewith.

References made in Acts passed before the first day of January 1871, to any enactment hereby repealed, shall be read as if made to this Act.

PART II.

Of the Registration Establishment.

General Registry Office.

4. The Local Government shall establish within the territories under such Government, at such place as it thinks fit, an office to be called the General Registry Office, and shall appoint an officer to the charge of such office, who shall be the Registrar General of the territories for which he is appointed.

Branch General Registry Office.

The Local Government may also, with the previous sanction of the Governor General of India in Council, establish a Branch General Registry Office, and appoint a Branch Registrar General; and every act done by or before any branch Registrar General so appointed, shall have the same effect as if done by or before a Registrar General:

provided that such branch Registrar General shall not exercise the power to frame rules hereinafter conferred on the Registrar General.

Any Registrar General or branch Registrar General may hold simultaneously any other office under Government.

Districts and Sub-Districts.

5. For the purposes of this Act, the Local Government shall form Districts and Sub-Districts, and shall prescribe and from time to time may alter the limits of such Districts and Sub-Districts.

A Sub-District may be conterminous with a District, or may be situate partly in one District and partly in another.

The Districts and Sub-Districts formed under this section, together with the limits thereof and every alteration of such limits, shall be notified by the Local Government in the official *Gazette* immediately after every such formation or alteration.

Every such alteration shall take effect on such day after the date of the notification as shall be mentioned therein.

Registry and Sub-Registry Offices.

6. The Local Government shall establish in every District an office to be styled the Registry Office, and in every Sub-District an office to be styled the Sub-Registry Office.

Registrars and Sub-Registrars.

7. The Local Government may appoint such persons, whether public officers or not, as it thinks proper, to be Registrars of the several Districts, and to be Sub-Registrars of the several Sub-Districts, formed as aforesaid, respectively.

Military Cantonments may be declared Sub-Districts.

8. The Local Government may declare any Military Cantonment to be a Sub-District for the purposes of this Act.

The Cantonment Magistrate of any Cantonment so declared to be a Sub-District shall be the Sub-Registrar thereof.

Whenever the Governor General in Council declares any Military Cantonment beyond the limits of British India to be a Sub-District for the purposes of this Act, he shall also declare what authorities shall be deemed to be Registrar of the District and Registrar General, respectively, with reference to such Cantonment and the Sub-Registrar thereof.

Deputy Registrar General.

9. During the absence on duty of the Registrar General, or branch Registrar General, from the place where the General Registry Office is established, he may appoint the Registrar of such place, or, with the previous sanction of the Local Government, such other person as he thinks fit, to perform the duties of the Registrar General, except those mentioned in sections eighty and eighty-three.

A Registrar so appointed shall perform such duties in addition to his own duties as Registrar.

During such absence, the Registrar or other person so appointed as aforesaid, shall be styled the Deputy Registrar General or Deputy Branch Registrar General, as the case may be, and may use the seal of the Registrar General or Branch Registrar General, as the case may be.

Absence of a Registrar from his District or vacancy in his office.

10. In case of the absence from his District, or of a vacancy occurring in the office of any Registrar other than the Registrar of a District including a Presidency Town, any person whom the Registrar General appoints in this behalf, or, in default of such appointment, the Judge of the District Court, or, when there are more District Courts than one, the Judge of such of the said Courts as the Local Government appoints, shall, during such absence or vacancy, be the Registrar.

In case of the absence of the Registrar of a District including a Presidency Town, or of a vacancy occurring in the office of any such Registrar, the Registrar General may appoint any person whom he thinks proper to conduct the duties of such office.

Absence of Registrar from office on duty in his District.

11. In case of the absence of any Registrar from his office on duty in his District, he may appoint any Sub-Registrar in his District to perform, during such absence, all the duties of a Registrar, except those mentioned in sections seventy-nine and eighty-three.

Absence of Sub-Registrar or vacancy in his Office.

12. In case of the absence of any Sub-Registrar, or of a vacancy occurring in the office of any Sub-Registrar, any person whom the Registrar of the District appoints in this behalf shall, during such absence or vacancy, be Sub-Registrar.

Appointments under sections nine, ten, eleven or twelve to be reported to Local Government.

13. All appointments made under section nine, ten, eleven or twelve, shall be reported to the Local Government by the Registrar General or branch Registrar General, as the case may be.

Such report shall be either special or general, as the Local Government directs; and the Local Government may suspend, remove or dismiss any person appointed under the provisions of this Act, and appoint another person in his stead.

Suspension, removal and dismissal of Registering Officers.

Remuneration and establishments of Registering Officers.

14. The Local Government may, with the previous sanction of the Governor General of India in Council, assign such salaries as such Government from time to time deems proper, to the Registering Officers appointed under this Act, or provide for their remuneration by fees, or partly by fees, and partly by salaries.

The Local Government may also, witht he like sanction, allow such establishments for the several Registration Offices as are necessary for the purposes of this Act.

Seals of Registering Officers.

15. The Registrar General, branch Registrar General, and the several Registrars and Sub-Registrars, shall use a seal bearing the following inscription in English and in such other language as the Local Government directs:—"The seal of

the Registrar General (*or* of the branch Registrar General, *or* of the Registrar, *or* of the Sub-Registrar) of ."

Register-Books.

16. The Local Government shall provide for the office of every Registering Officer the books necessary for the purposes of this Act.

Forms.

The books so provided shall contain the forms from time to time prescribed by the Registrar General, with the sanction of the Local Government, and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

Fire-proof boxes.

The Local Government shall supply the office of every Registrar with a fire-proof box.

PART III.

Of Registrable Documents.

Instruments of which the registration is compulsory.

17. The documents next hereinafter mentioned shall be registered, if the property to which they relate is situate in a District in which, and if they have been executed on or after the date on which, the said Act No. XVI of 1864, or Act No. XX of 1866, or this Act came or shall come into force (that is to say),—

(1) Instruments of gift of immoveable property:

(2) Assurances (other than an instrument of gift) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title, interest, or charge, whether vested or contingent, of the value of one hundred rupees and upwards, to, in or on immoveable property:

(3) Instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title, interest or charge:

(4) Leases of immoveable property from year to year, or for any term exceeding one year, or reserving a yearly rent:

Exception of composition-deeds;

The former part of this section does not apply to any composition-deed nor to any instrument relating to shares in a Joint Stock Company, notwithstanding that the assets of such Company consist in whole or in part of immoveable property, nor to any endorsement upon or transfer of any debenture issued by any such Company:

and of transfers of shares and debentures in Land Companies.

And, so far only as regards the territories respectively under the government of the Lieutenant-Governors of Bengal and the North-Western Provinces, the Local Government may, by order published in the official *Gazette*, exempt from the operation of the former part of this section any leases of immoveable property, executed in any particular District, or part of a District, the terms granted by which do not exceed two years and the annual rents reserved by which do not exceed fifty rupees.

(5) Authorities to adopt a son executed after this Act comes into force shall also be registered.

Documents of which the registration is optional.

18. Any of the documents next hereinafter mentioned may be registered under this Act (that is to say),—

(1) Assurances (other than an instrument of gift) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title, interest or charge, whether vested or contingent, of a value less than one hundred rupees to, in or on immoveable property:

(2) Instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title, interest or charge:

(3) Leases of immoveable property for any term not exceeding one year, and the pattás and muchalkás referred to in section two:

(4) Awards relating to immoveable property:

(5) Instruments which purport or operate to create, declare, assign, limit or extinguish any right, title, interest or charge to, in or on moveable property:

(6) Wills not purporting to confer an authority to adopt a son:

(7) Acknowledgments, Agreements, Appointments, Articles of Partnership, Assignments, Awards, Bills of Exchange, Bills of Sale, Bonds, Composition-deeds, Conditions of Sale, Contracts, Covenants, Grants, Instruments of Dissolution of Partnership, Instruments of Partition, Powers of Attorney, Promissory Notes, Releases, Settlements, Writings of Divorcement, and all other documents not hereinbefore mentioned.

Documents in language not understood by Registering Officer.

19. If any document duly presented for registration be in a language which the Registering Officer does not understand, and which is not commonly used in the District, he shall refuse to register the document, unless it be accompanied by a true translation into a language commonly used in the District and also by a true copy.

Documents containing interlineations, blanks, erasures or alterations.

20. The Registering Officer may in his discretion refuse to accept for registration any document in which any interlineation, blank, erasure or alteration appears, unless the persons executing the document attest with their signatures or initials such interlineation, blank, erasure or alteration; and the officer registering such document, at the time of registering the same, shall make a note in the register of such interlineation, blank, erasure or alteration.

Description of parcels.

21. *(a.)* No document not testamentary relating to immoveable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same.

(b.) Houses in towns shall be described as situate on the north or other side of the street or road (mentioning it) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered. Other houses and lands shall be described by their name, if any, and as being in the territorial division in which they are situate and by their superficial contents, the roads and other properties on which they abut, and their existing occupancies, and also, whenever it is practicable, by reference to a Government map or survey.

Documents containing maps or plans.

(c.) No document not testamentary containing a map or plan of any property comprised therein shall be accepted for registration unless it be accompanied by a true copy of the map or plan, or, in case such property is situate in several Sub-Districts, by such number of true copies of the map or plan as are equal to the number of such Sub-Districts, and, in case the property is also situate in several Districts, by such further number of true copies of the map or plan as is equal to the number of such Districts.

Failure to comply with rules as to description of houses and land.

22. Failure to comply with the provisions contained in clause *(b)* of section twenty-one shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify such property.

PART IV.

Of the Time of Presentation.

Time for registering instruments of which the registration is compulsory.

23. Subject to the provision contained in section twenty-five, no document of the kinds mentioned in section seventeen, clauses 1, 2, 3 and 4, shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution:

Provided that, where the several persons executing it at different times order the instrument may be presented for registration and re-registration within four months from the date of each execution.

Time for registering documents of which the registration is optional.

24. Subject to the provision contained in section twenty-five, no document of any of the kinds mentioned in section eighteen (other than a will), shall be accepted for registration, unless presented for that purpose to the proper officer within two months from the date of its execution:

Provided that, where there are several persons executing it at different times, the document may be presented for registration and re-registration within two months from the date of each execution.

Explanation.—The date of execution of a document means the day on which it purports to have been executed.

Provision where delay in registering is unavoidable.

25. If owing to urgent necessity or unavoidable accident, any document is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registrar, in cases where the delay in presentation does not exceed four months, may direct that on payment as a penalty of a sum not exceeding twenty times the amount of the proper registration fee, such document shall be accepted for registration.

Any application for such direction may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

Provision for last day of period for presentation falling on holiday.

26. Whenever the last day of any period hereinbefore provided for the presentation of any document falls on a Sunday or other holiday declared as hereinafter mentioned, such last day shall, for the purposes of this Act, be deemed to be the day immediately following such Sunday or other holiday.

Wills and authorities to adopt may be presented or deposited at any time.

27. A will or an authority to adopt a son may at any time be presented for registration or deposited in manner hereinafter provided.

Saving of time prescribed by Statute for registration.

28. Nothing in this Act shall alter the time within which any certificate or other document must be registered under the provisions of any Act of the Parliament of the United Kingdom of Great Britain and Ireland.

PART V.

Of the Place of Registration.

Place for registering instruments relating to immoveables.

29. Save as in this Part otherwise provided, every document mentioned in section seventeen, clauses 1, 2, 3 and 4, and section eighteen, clauses 1, 2, 3 and 4, shall be presented for registration in the office of a Sub-Registrar within whose Sub-District the whole or some portion of the property to which such document relates is situate.

Place for registering other instruments.

30. Every document other than a document referred to in section twenty-nine, may be presented for registration in the office of the Sub-Registrar in whose Sub-District the document was executed, or in the office of any Sub-Registrar under the Local Government at which all the persons executing and claiming under the document desire the same to be registered.

Registration by Registrar General of documents referred to in section 29.

31. The Registrar General may in his discretion receive and register any document referred to in section twenty-nine, without regard to the situation in any part of British India of the property to which the document relates.

Registration by Registrar.

32. Any Registrar may in his discretion receive and register any document which might be registered by any Sub-Registrar subordinate to him.

The Registrar of a District shall be deemed to be a Sub-Registrar within the meaning of this Act for such portion of his District (if any) as shall not have been formed into a Sub-District.

Registration or acceptance for deposit at private residence.

33. In ordinary cases the registration or deposit of documents under this Act shall be made only at the public office of the officer whose duty it shall be to register the same; but any such officer may on special cause being shown attend at the residence of any person intending to register any document, or of any person desiring

to deposit a will or authority to adopt a son, and register or accept for registration or deposit such document, will or authority.

Every Sub-Registrar so attending shall within twenty-four hours report to the Registrar to whom he is subordinate the fact of the attendance and his reason therefor.

PART VI.

Of the Presentation of Instruments for Registration.

34. Subject to the provisions of section thirty-three, every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper Registration Office,

Persons to present documents for registration.

by some person executing or claiming under the same,

or by the representative or assign of such person,

or by the agent of such person, representative or assign, duly authorized by power of attorney executed and authenticated in manner hereinafter mentioned.

35. For the purposes of section thirty-four, the powers of attorney next hereinafter mentioned shall alone be recognized (that is to say),—

Powers of attorney recognizable for purposes of section 34.

(a) if the principal at the time of executing the power of attorney resides in any part of British India other than Oude, a power of attorney executed before and authenticated by the Registrar or Sub-Registrar within whose District or Sub-District the principal resides:

(b) if the principal at the time aforesaid resides in Oude, a power of attorney executed before and authenticated by the Deputy Commissioner within the local limits of whose jurisdiction the principal resides:

(c) if the principal at the time aforesaid does not reside in British India, a power of attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India:

Any power of attorney mentioned in this section may be proved by the production of it without further proof, when it purports on the face of it to have been executed before and authenticated by the person or court hereinbefore mentioned in that behalf:

Provided that the following persons shall not be required to attend at the office of the Registrar or Sub-Registrar, or in the Court of the Judge, for the purpose of executing any such power of attorney as is mentioned in clauses *(a)* and *(b)* of this section:—

Proviso as to persons infirm, or in jail, or exempt from appearing in Court.

persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend;

persons who are in jail under civil or criminal process; and

persons exempt by law from personal appearance in Court.

In every such case the Registrar or Sub-Registrar or Judge (as the case may be), if satisfied that the power of attorney has been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at the office or court aforesaid.

To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Judge may either himself go to the house of the person purporting to be the principal, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

36. Subject to the provisions contained in this section and in sections seventy-six, eighty, eighty-four and eighty-nine, no document shall be registered under this Act, unless the persons executing such document, or their representatives, assigns or agents authorized as aforesaid, appear before the registering officer within the time allowed for presentation.

Enquiry before registration by the registering officer.

Such appearances may be simultaneous or at different times.

The registering officer shall thereupon enquire whether or not such document was executed by the persons by whom it purports to have been executed, and, in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the persons they represent themselves to be, and if they all admit the execution of the document;

or, in the case of any person appearing by a representative, assign or agent, if such representative, assign or agent admits the execution;

or, if the party executing the document is dead, and his representative, assign or agent does not appear before the registering officer, but such officer is nevertheless satisfied of the fact of execution,

the registering officer shall register the document as directed in section sixty-eight.

The registering officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine any one, whether summoned or not under section thirty-seven, present in his office.

If all or any of the persons by whom the document purports to be executed deny its execution, or if any such person appears to be a minor, an idiot, or a lunatic, the registering officer shall refuse to register the document.

PART VII.

Of the enforcement of attendance of executants and witnesses.

37. If any person presenting any document for registration desires the attendance of any person whose presence or testimony is necessary for the registration of such document, the registering officer may, in his discretion, call upon such revenue or civil court as the Local Government directs in this behalf to issue and serve a summons requiring him to attend at the registry office, either in person or by duly authorised agent, as in the summons may be mentioned and at a time named therein.

Procedure where attendance of executant or witness is desired.

38. The Court, upon receipt of the peon's fee payable in such cases, shall issue the summons accordingly, and cause it to be served upon the person whose attendance is so required.

Revenue officer to issue and cause service of summons.

39. A person who by reason of bodily infirmity is unable without risk or serious inconvenience to attend at the registry office,

Persons exempt from attendance at registry office.

a person in jail under civil or criminal process,

and persons exempt by law from personal appearance in court, and who would but for the provision next hereinafter contained be required to attend in person at the registry office,

shall not be required so to attend.

In every such case, the registering officer shall either himself go to the house of such person, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

40. The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before civil courts, shall, save as aforesaid and *mutatis mutandis*, apply to any summons or commission, issued, and any person summoned to appear under the provisions of this Act.

Law as to summonses, commissions and witnesses in this Act.

PART VIII.

Of registering memoranda of decrees and orders affecting immoveable property.

41. When any civil or revenue court by a decree or order declares any document relating to immoveable property, which has been registered under this Act or any Act hereby repealed, to be invalid,

Memorandum of decree affecting registered document relating to immoveable property.

or when any civil or revenue court passes a decree or order affecting any such document, and such last-mentioned decree or order creates, declares, transfers, limits or extinguishes any right, title, interest or charge of the value of one hundred rupees and upwards under such document to, in or on the immoveable property to which it relates,

the Court, on the application of the party in whose favour the decree or order is made, shall cause a memorandum thereof to be prepared, and the Judge or presiding officer shall sign such memorandum and deliver it to the said party,

and the said party shall, within four months from the date of the decree or order, present or send such memorandum, together with the fee payable for registering the same, to the Registrar within whose District the document was originally registered.

Every such memorandum shall be in the form set forth in the first part of the first schedule hereto annexed.

42. When any civil or revenue court by a decree or order creates, declares, transfers, limits or extinguishes any right, title, interest or charge, of the value of one hundred rupees or upwards, of any person to, in or on any immoveable property situate in any part of British India except Oudh,

Memorandum of decree affecting immoveable property.

the presiding officer of the Court, on the application of the party in whose favour the decree or order is made, shall prepare and sign and deliver to him a memorandum thereof,

and the said party shall, within four months from the date of the decree or order, present or send such memorandum, together with the fee payable for registering the same, to the Registrar, or to every Registrar, within whose District the whole or any part of such immoveable property is situate.

Every such memorandum shall, so far as may be practicable, describe the property in manner required by section twenty-one, and shall be in the form set forth in the second part of the first Schedule hereto annexed.

43. When any decree or order mentioned in section forty-one or section forty-two is made in favour of more parties than one, the said application may be made by any one of such parties, and the Court shall deliver the memorandum to him.

Decrees in favour of several parties.

No decree or order mentioned in section forty-one or section forty-two shall be of any force, unless and until a memorandum thereof has been registered in manner provided by this Act.

Decrees mentioned in section 41 or section 42, not to be of any force until memoranda registered.

PART IX.

Of the Presentation and Deposit of Wills and Authorities to adopt.

44. The testator or any person claiming as executor or otherwise under a will, may present to any Sub-Registrar for registration such will,

Persons entitled to present for registration wills and authorities to adopt.

and the donor or donee of any authority to adopt, or the adoptive son, may present to any Sub-Registrar for registration such authority.

Any person entitled to present for registration any such will or authority may, either personally or by a duly authorized agent, present to a Sub-Registrar such will or authority open, and any testator or donor of such authority may either personally or by duly authorized agent deposit with any Sub-Registrar the will or authority in a sealed cover superscribed with the name of the depositor and the nature of the document.

Presentation or deposit of wills and authorities to adopt.

45. If the depositor of any such sealed cover wishes to withdraw the same, he may apply to the Registrar to whom such cover shall have been sent under section seventy-four that the cover be delivered to him; and the Registrar, if satisfied as to the identity of the depositor with the applicant, shall deliver the cover accordingly.

Withdrawal of sealed cover deposited under section 44.

46. If on the death of the depositor of a sealed cover under section forty-four, application be made to the Registrar to whom such cover shall have been so sent to open the same, the

Proceedings on death of depositor.

Registrar, if satisfied that the depositor is dead, shall, in the applicant's presence, open the cover, and copy at the applicant's expense the contents thereof in his Book No. 4.

When such copy has been made, the Registrar shall re-deposit the original will or authority.

Re-deposit.

PART X.

Of the effects of Registration and Non-Registration.

47. A registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration.

Time from which registered document operates.

48. All documents, not testamentary, duly registered under this Act and relating to any immoveable property, shall take effect against any oral agreement or declaration relating to such property, whether possession thereof has or has not been delivered.

Registered documents relating to land to take effect against oral agreements.

49. All documents, not testamentary, duly registered under this Act, and relating to any moveable property, shall take effect against any oral agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession.

Registered documents relating to moveables when to take effect against oral agreements.

50. No instrument required by section seventeen to be registered, and no part of any such instrument, shall be received in evidence for any purpose whatever in any civil proceeding in any court,

Effect of non-registration of documents required to be registered.

or shall be acted on by any public servant as defined in the Indian Penal Code,

or shall affect any property comprised therein,

unless the instrument has been registered in accordance with the provisions of this Act.

Illustration 1.—A executes a bond for one thousand rupees and, by the same document, mortgages certain land worth more than one hundred rupees by way of collateral security for the re-payment of the one thousand rupees. The document is not receivable in evidence for the purpose of enforcing against A personally the re-payment of the money secured thereby.

Illustration 2.—A executes a conveyance of land worth more than one hundred rupees. The conveyance recites the receipt of the purchase-money. The recital cannot be received in evidence except in a criminal proceeding.

51. Every instrument of the kinds mentioned in clauses 1, 2 and 3 of section eighteen, shall, if duly registered, take effect as regards the property comprised therein, against every unregistered instrument executed after this Act comes into force and relating to the same property, whether such other instrument be of the same nature as the registered instrument or not.

Registered instruments relating to immoveables, of which the registration is optional, to take effect against unregistered instruments.

Special Registration of Bonds, Bills of Exchange, and Promissory Notes.

52. Whenever the obligor and obligee of a bond,

Record of agreement that amount secured by a bond may be recovered summarily.

or the drawer, acceptor, or an indorser and the payee or an indorsee of a bill of exchange,

or the maker or an indorser and the payee or an indorsee of a promissory note,

agree that, in the event of the obligation resulting from the bond, bill or note not being duly satisfied, the amount secured thereby may be recovered in a summary way, and, at the time of registering the bond, bill or note, apply to the registering officer to record the said agreement, the registering officer, after making such enquiries as he thinks proper, shall record such agreement at the foot of the endorsement and certificate required by sections sixty-six and sixty-eight,

and such record shall be signed by him and by the obligor, drawer, acceptor, maker or indorser, or by some person expressly authorised in this behalf by a power of attorney from such obligor, drawer, acceptor, maker or indorser,

and shall be copied into the Register Book No. 1 or No. 6, as the case may be,

and shall be *primâ facie* evidence of the said agreement.

Enforcement of such agreement.

53. Within one year from the date on which the amount becomes payable,

or, where the amount is payable by instalments, within one year from the date on which any instalment becomes payable,

the said obligee, payee or indorsee may present a petition to any court which would have had jurisdiction to try a regular suit on such bond, bill or note for the amount secured thereby, or for the instalment sought to be recovered.

The petition may be amended by permission of the court, and the statements in the petition shall be verified by the petitioner in manner required by law for the verification of plaints.

Amendment and verification of petition.

On production in court of the bond, bill or note and of the said record signed as aforesaid, the petitioner shall be entitled to a decree for any sum not exceeding the sum mentioned in the petition together with interest at the rate specified (if any) to the date of the decree, and a sum for costs to be fixed by the court.

Decree.

Such decree may be enforced forthwith against the obligor, drawer, acceptor, maker or indorser signing as aforesaid, under the provisions for the enforcement of decrees contained in the Code of Civil Procedure.

54. In any proceedings under this Part of this Act, the court may order the bond, bill, or note sought to be proceeded upon to be forthwith deposited with an officer of the court, and may

Power to order bond to be deposited in Court.

further order that all proceedings be stayed until the petitioner has given security for costs thereof.

55. After decree, the court may under special circumstances set aside the decree, and if necessary stay or set aside execution; but there shall be no appeal against any decree or order made under section fifty-three, section fifty-four, or this section.

Court may, under special circumstances, set aside decree.

PART XI.

Of the duties and powers of Registering Officers.

(A.) As to the Register Books and Indexes.

56. The following Books shall be kept in the several offices hereinafter named (that is to say),—

Register Books to be kept in the several offices.

In all Registry Offices—

Book 1, "Register of instruments relating to immoveable property;"

Book 2, "Record of reasons for refusal to register:"

In the Offices of Sub-Registrars—

Book 3, "Register of deposits of wills and authorities to adopt;" and

In the Offices of Registrars and of Sub-Registrars—

Book 4, "Register of wills and authorities to adopt;"

Book 5, "Register of Decrees and Orders;"

Book 6, "Miscellaneous Register."

In Book 1 shall be entered all documents registered under section seventeen and the first four clauses of section eighteen, and all other documents mentioned in section eighteen, clause 7, which relate to immoveable property.

In Book 5 shall be filed all memoranda of decrees and orders sent under section forty-two.

In Book 6 shall be entered all documents registered under clauses 5 and 7 of section eighteen, and not entered in Book 1 or in Book 5.

57. The day, hour and place of presentation, and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting the same; a receipt for such document shall be given by the registering officer to the person presenting the same; and, subject to the provisions contained in section seventy, every document admitted to registration shall without unnecessary delay be copied in the Book appropriated therefor according to the order of its presentation.

Documents to be copied according to order of presentation.

58. All entries in each book shall be numbered in a consecutive series which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

Entries to be numbered consecutively.

59. In every office in which any of the books next hereinafter mentioned are kept, there shall be prepared current indexes of the contents of such books; and every entry in such indexes shall be made, so far as practicable, in alphabetical order and immediately after the document to which it relates has been copied by or by order of the registering officer.

Current indexes and entries therein.

60. Two such indexes shall be made in all registry offices, and shall be named, respectively, Index No. I. and Index No. II.

Indexes to be made by registering officers.

Index No. I. shall contain the names and additions of all persons executing and of all persons claiming under every document copied into Books Nos. 1, 3 or 4, and the name of the first plaintiff and first defendant in the suit in the case of all memoranda filed in Book No. 5.

Index No. II. shall contain such particulars mentioned in section twenty-one, relating to every such document, as the Registrar General from time to time directs in that behalf.

A third index to be called Index No. III. shall be made by Registrars and Sub-Registrars, and shall contain the names and additions of all persons executing and of all persons claiming under every document copied into Book No. 6.

Indexes Nos. I., II. and III. shall also contain such other particulars, and shall be prepared in such form, as the Registrar General from time to time directs.

Extra particulars in indexes.

61. Every Sub-Registrar shall send to the Registrar to whom he is subordinate, at such intervals not exceeding one month as the Registrar General from time to time directs, two copies of all entries made by such Sub-Registrar during the last of such intervals in Indexes Nos. I. and II.

Two copies of entries in Indexes Nos. I. and II. to be sent by Sub-Registrar to Registrar.

62. Every Registrar receiving such two copies shall in every month file one of such copies in his Indexes Nos. I. and II., respectively; and, at such intervals as the Registrar General from time to time directs, shall send the other of such copies to the general registry office.

One of each pair of copies received by Registrar from Sub-Registrar to be filed in Registrar's indexes, and the other to be sent to general registry office.

Every Registrar shall also send to the general registry office a copy of all the entries which he shall have made in his Indexes Nos. I. and II., respectively, during the last of such intervals.

Copy of entries in Registrar's indexes.

63. On the receipt in the general registry office of the copies so sent by the Registrar, they shall be filed in the Indexes Nos. I. and II., respectively, kept in such office.

Copies sent by Registrar to be filed in indexes of general registry office.

64. If the Registrar General so directs, an alphabetical index shall be prepared in every registration office at the end of each year of all entries made during the past year in the current indexes in such office; and in every

Annual alphabetical index to entries in indexes.

office in which Book No. 2 is kept, an alphabetical index shall be prepared at the end of each year to the entries made in such book during the past year.

Registering officers to allow inspection of certain books and indexes, and to give certified copies of entries.

65. Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1, 2 and 5 and the indexes relating to such books shall be at all times open to inspection by any person applying to inspect the same; and subject to the provisions of section seventy, copies of entries in such books shall be given to all persons applying for such copies.

Subject to the same provisions, copies of entries in Books Nos. 3, 4 and 6 and in the indexes relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer; but the requisite search for such entries shall be made only by the registering officer.

Such copies shall be signed and sealed by the registering officer, and shall be *primâ facie* evidence of the contents of the original documents.

(B.)—As to the procedure on admitting to registration.

Particulars to be endorsed on documents admitted to registration.

66. On every document admitted to registration, there shall be endorsed from time to time the following particulars (that is to say),—

(1) the signature and addition of every person admitting the execution of the document or such execution has been proved by the representative, assign or agent admitted by the representative of possession. ...ignment of any person, the signature and addition of such representative, assign or agent;

(2) the signature and addition of every person examined in reference to such document under any of the provisions of this Act; and

(3) any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution.

If any person admitting the execution of a document declines to endorse the same, the registering officer shall refuse to register it.

Such endorsements to be dated and signed by registering officer.

67. The registering officer shall affix the date and his signature to all endorsements mentioned in the last preceding section, relating to the same document and made in his presence on the same day.

Certificate showing that document has been registered, and number and page of Book in which it has been copied.

68. After such of the provisions of sections thirty-six, sixty-six, and sixty-seven as apply to the case have been complied with, the registering officer shall endorse on the document a certificate containing the word "registered," together with the number and page of the Book in which the document has been copied.

Such certificate shall be signed, sealed and dated by the registering officer and shall then be *primâ facie* evidence that the document has been duly registered in manner provided by this Act, and that the facts mentioned in the endorsements referred to in section sixty-seven have occurred as therein mentioned.

Endorsements and certificate to be copied.

69. The endorsements and certificate mentioned in sections sixty-seven and sixty-eight shall thereupon be copied into the margin of the Register Book, and the copy of the map or plan (if any) mentioned in section twenty-one shall be filed in Book No. 1.

Document to be returned.

The registration of the document shall thereupon be deemed complete, and the document shall then be returned to the person who presented the same for registration, or to such other person (if any) as he has nominated in writing in that behalf on the receipt mentioned in section fifty-seven.

Procedure on presentation of a document in a language unknown to the registering officer.

70. When a document is presented for registration under section nineteen, the translation shall be transcribed in the register of instruments of the nature of the original, and, together with the copy referred to in section nineteen, shall be filed in the registry office.

The endorsements and certificate respectively mentioned in sections sixty-seven and sixty-eight shall be made on the original, and for the purpose of making the other copies required by sections seventy-two, seventy-three, seventy-four, and seventy-eight, the translation shall be treated as if it were the original.

Power to administer oaths.

71. Every registering officer may at his discretion administer an oath to any person examined by him under the provisions of this Act.

Record of substance of statements.

He may also at his discretion record a note of the substance of the statement made by each such person, and such statement shall be read over, or (if made in a language with which such person is not acquainted) interpreted to him in a language with which he is acquainted, and if he admits the correctness of such note, it shall be signed by the registering officer.

Every such note so signed shall be admissible as *primâ facie* evidence of the facts therein stated.

(C.)—Special duties of Sub-Registrar.

Procedure on Sub-Registrar's registration of document relating to immoveable property situate in several Sub-Districts.

72. Every Sub-Registrar on registering a document relating to immoveable property which is not wholly situate in his own Sub-District, shall forward a copy thereof and of the endorsement and certificate thereon, and of the map or plan (if any) mentioned in section twenty-one, to every other Sub-Registrar subordinate to the same Registrar as himself in whose Sub-District any part of such property is situate, and every such Sub-Registrar shall file such copies in his Book No. 1.

Procedure on Sub-Registrar's registration of document relating to immoveable property situate in several Districts.

73. Every Sub-Registrar on registering a document relating to immoveable property situate in more Districts than one, shall also forward a copy thereof and of the endorsement and certificate thereon, together with such number of copies of the map or plan (if any) mentioned in section twenty-one as may be necessary, to the Registrar of every District in which any part of such property is situate other than the District in which his own Sub-District is situate.

The Registrar on receiving the same shall enter in his Book No. 1 the copy of the document and one of the copies of the map or plan (if any), and shall forward a copy of the document together with a copy of the map or plan (if any) to each of the Sub-Registrars subordinate to him within whose Sub-District any part of such property is situate; and every Sub-Registrar receiving such copies shall file the same in his Book No. 1.

Registration of wills and authorities to adopt.

74. A will and an authority to adopt, presented for registration by the testator or donor, may be registered in the same manner as any other document.

A will or authority to adopt presented for registration by any person entitled to present the same, other than the testator or donor, shall be registered if the Sub-Registrar is satisfied

(1) that the will or authority was executed by the testator or donor, as the case may be,

(2) that the testator or donor is dead, and

(3) that the person presenting the will or authority is, under section forty-four, entitled to present the same.

Procedure on deposit of wills or authorities to adopt.

75. On receiving for deposit a sealed cover under section forty-four, the Sub-Registrar, if satisfied that the depositor is the testator or donor, as the case may be, or his duly authorized agent, shall transcribe in his Register Book No. 3 the superscription on such sealed cover, and note in the register and on the sealed cover the year, month, day and hour of such presentation and receipt, together with the name of the depositor, and the name of each of the persons testifying to the identity of such depositor, and the inscription so far as it is legible on the seal of the cover.

The Sub-Registrar shall then send the cover to the Registrar to whom he is subordinate, and the Registrar shall, on receipt thereof, retain the sealed cover in his fire-proof box.

Saving of Act X of 1865, section 259.

Nothing in this section or in section forty-six shall be deemed to affect the provisions of the Indian Succession Act, section two hundred and fifty-nine, or the power of any Court by order to compel the production of any will for the purposes of granting probate or letters of administration with the will annexed. But whenever any such order is made, the Registrar shall copy the will in his Book No. 4 and make a note on such copy that the original has been removed into court in pursuance of the order aforesaid.

(D.)—Special duties of Registrar.

Procedure on registering instruments under section 32.

76. On registering any instrument not testamentary relating to immoveable property under section thirty-two, the Registrar shall forward a copy of such instrument, together with a copy of the map or plan (if any) mentioned in section twenty-one, to each Sub-Registrar subordinate to himself in whose Sub-District any part of such property is situate.

He shall also forward a copy of such instrument, together with such number of copies of the map or plan if (any) mentioned in section twenty-one, as may be necessary, to any other Registrar in whose District any part of such property is situate.

Every Sub-Registrar and Registrar, on receiving any such copy or copies, shall follow the procedure prescribed for them, respectively, in section seventy-three.

Procedure on receipt of memorandum under section forty-one.

77. Every memorandum received under section forty-one shall be copied in the margin of the part of the book in which the document affected by such memorandum is registered; and for this purpose the Registrar shall send a copy of such memorandum to every Sub-Registrar in his District in whose office the said document is registered, who shall copy such memorandum in the margin of the copy of the document registered in his office.

When any such memorandum relates to immoveable property situate in more Districts than one, the Registrar receiving the same shall also send a copy thereof to every other Registrar within whose District any part of such property is situate, who shall on receiving such copy follow the procedure prescribed for a Registrar in the first clause of this section.

Procedure on receipt of memorandum under section 42.

Every memorandum received by a Registrar under section forty-two shall be filed by him in his Register Book No. 5, and he shall then send a copy thereof to every Sub-Registrar subordinate to himself in whose Sub-District any part of such property is situate, and every such Sub-Registrar shall file it in his Register Book No. 5.

(E.)—Of the Registrar General.

Procedure on registration in general registry office.

78. On any instrument being registered in the general registry office under section thirty-one, a copy of such instrument and of the endorsements and certificate thereon shall be forwarded to every Registrar within whose District any part of the property to which the instrument relates is situate.

The Registrar receiving such copy shall follow the procedure prescribed for him in section seventy-three.

(F.)—Of the controlling powers of Registrars and Registrars General.

Registrar to superintend and controul Sub-Registrars.

79. Every Sub-Registrar shall perform the duties of his office under the superintendence and controul of the Registrar in whose District the office of such Sub-Registrar is situate.

Every Registrar shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act which he considers necessary in respect of any act or omission of any Sub-Registrar subordinate to him, or in respect

of the rectification of any error regarding the Book or the office in which any document shall have been registered.

80. The Registrar General shall exercise a general superintendence over all the registry offices in the territories under the Local Government, and shall have power from time to time to frame rules consistent with this Act—

Powers of Registrar General.

Power to frame rules.

providing for the safe custody of books, papers and documents, and also for the destruction of such books, papers and documents as need no longer be kept;

declaring the languages in which and the materials on, in and with which documents presented for registration are to be written or printed, the size of such documents and the extent of blank space to be left thereon;

declaring what territorial divisions shall be recognized under section twenty-one;

regulating the amount of penalties imposed under section twenty-four;

regulating the exercise of the discretion reposed in the registering officer by sections fifty-two and seventy-one;

declaring the particulars to be contained in Indexes Nos. I, II and III, respectively;

declaring the holidays that shall be observed in the registry offices;

and, generally, regulating the proceedings of the Registrars and Sub-Registrars under him.

The rules so framed shall be submitted to the Local Government for approval, and, after they have been approved, they shall be published in the official *Gazette*, and shall then have the same force as if they were inserted in this Act.

81. No order shall be made to cancel the registration of any document under this Act, or under any Act hereby repealed.

No order to cancel registration.

PART XII.

Of refusal to register.

82. Every registering officer refusing to register a document,

unless because he has a discretion to refuse to accept it for registration, or unless because the property to which it relates is not situate within his District or Sub-District,

Reasons for refusal to register to be recorded by Registrar or Sub-Registrar.

shall make an order of refusal and record his reasons for such order in his Book No. 2, and endorse the words "registration refused" on the document; and on application made by any person executing or claiming under the document, and on his furnishing a stamped paper of the value of eight annas, shall without unnecessary delay give him a copy of the reasons so recorded.

No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

83. An appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate if presented to such Registrar within thirty days from the date of the order, and the Registrar may reverse or alter such order:

Registrar may alter or revise orders of Sub-Registrar refusing registration.

Provided that, whenever the Registrar has himself as Sub-Registrar passed the order appealed against, the appeal shall lie to the Registrar General.

Any Registrar or Registrar General refusing to direct the registration of any document shall make an order of refusal and record the reasons for such order in his Book No. 2, and on application made by any person executing or claiming under the document, and on his furnishing a stamped paper of the value of eight annas, shall, without unnecessary delay, give him a copy of the reasons so recorded.

84. If a Registrar or Registrar General makes under section eighty-two an order of refusal to register any document referred to in section twenty-nine,

or if he has made a like order under section eighty-three of Act No. XX of 1866,

Procedure where Registrar or Registrar General refuses to register or direct registration of documents falling under section 17 or section 18, clauses 1, 2, 3 and 4.

or if on appeal under section eighty-three he makes an order of refusal to direct the registration of such document,

any person claiming thereunder, or his representative, assign or agent authorized as aforesaid, may, within thirty days after the making of the order of refusal, apply by petition to the District Court, in order to establish his right to have the document registered.

85. The petition shall be in the form contained in the second Schedule to this Act, or as near thereto as circumstances permit, and shall be accompanied by copies of the reasons recorded under sections eighty-two and eighty-three; and the statements in the petition shall be verified by the petitioner in manner required by law for the verification of plaints, and the petition may be amended by permission of the Court.

Petition.

To be verified.

The document shall be admissible in evidence on the presentation and hearing of the petition, anything hereinbefore contained to the contrary notwithstanding.

Document admissible in evidence.

86. The Court shall fix a day for the hearing of the petition not less than two days after the service next hereinafter mentioned, and shall direct a copy of the petition, with a notice at the foot thereof of the day so fixed, to be served on the registering officer and on such other persons (if any) as the court thinks fit; and the provisions of the Code of Civil Procedure as to the service and endorsement of summonses shall apply, *mutatis mutandis*, to copies of petitions under this section.

Court to fix day for hearing petition, and copy thereof to be served.

87. On the day so fixed as aforesaid, the Court may summon and enforce the attendance of witnesses and compel them to give evidence,

Court may order document to be registered.

and if it finds that the document has been executed, and that the requirements of the law for the time being in force have been complied with on the part of the petitioner so as to entitle the document to registration, the court, unless satisfied that the order next hereinafter mentioned would work injustice, shall order such Registrar or Registrar General to register the document, or to direct its registration in the proper manner,

and he shall thereupon obey such order, and shall, so far as may be practicable, follow the procedure prescribed in sections sixty-six, sixty-seven and sixty-eight.

If the document be duly presented for registration within thirty days after the making of such order, the registration pursuant thereto shall take effect as if the document has been registered when it was duly presented for registration to the officer so refusing as aforesaid:

Provided that when the officer presiding over the District Court has himself as registering officer made any order complained of under this section, the petition shall, within sixty days after the making of such order, be presented to the High Court, and the provisions contained in the former part of this section shall, *mutatis mutandis*, apply to such petition and the order (if any) thereon.

Provision for case in which the Judge is the registering officer.

No appeal lies from any order made under this section.

PART XIII.

Of the fees for registration, searches and copies.

88. Subject to the approval of the Governor General in Council, the Local Government shall prepare a table of fees payable—

Fees for registration, searches and copies to be fixed by Local Government.

for the registration of documents:

for searching the registers:

for making or granting copies of reasons, entries or documents, before, on or after registration;

And of extra or additional fees payable—

for every registration by a Registrar General under section thirty-one, or by a Registrar under section thirty-two:

for special registration under section fifty-two:

for the issue of commissions:

for filing translations:

for attending at private residences:

and for such other matters as appear to the Local Government necessary to effect the purposes of this Act.

The Local Government may from time to time, subject to the like approval, alter such table.

Table of fees.

A table of the fees so payable shall be published in the official *Gazette*, and a copy thereof in English and the Vernacular language of the District shall be exposed to public view in every registration office.

89. All fees for the registration of documents under this Act shall be payable on presentation, and all fees received under the provisions of this Act (not being fees payable under section fourteen to officers who are paid wholly or in part by fees), and all penalties received under section twenty-four, shall be remitted to the treasury of the District or Sub-District, or to such other treasury as the Local Government from time to time directs, and shall be credited to Government.

Fees and penalties to be credited to Government.

PART XIV.

Penalties.

90. Every registering officer appointed under this Act and every person employed in his office for the purposes of this Act, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited under the provisions of this Act, endorses, copies, translates or registers such document in a manner which he knows or believes to be incorrect, intending thereby to cause, or knowing it to be likely that he may thereby cause injury, as defined in the Indian Penal Code to any person, shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

Penalty for incorrectly copying, endorsing, translating or registering documents with intent to injure.

91. Whoever intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or enquiry under this Act shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

Penalty for making false statements before registering officer.

92. Whoever intentionally delivers to a registering officer in any proceeding under section nineteen or twenty-one a false copy or translation of a document, or a false copy of a map or plan, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Penalty for delivering false copy or translation.

93. Whoever falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding under this Act, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Penalty for false personation.

94. Whoever abets within the meaning of the Indian Penal Code anything made punishable by this Act, shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

Penalty for abetment of offences under this Act.

95. A prosecution for any offence under this Act coming to the knowledge of a registering officer in his official capacity may be instituted by the Registrar General,

Registering officer may institute prosecutions.

the Branch Registrar General, the Registrar or the Sub-Registrar, in whose territories, District or Sub-District, as the case may be, the offence has been committed.

All prosecutions under this Act shall be instituted and carried out before a person exercising the powers of a Magistrate or Subordinate Magistrate of the first class; and all fines imposed under this Act may be recovered in the manner prescribed in section sixty-one of the Code of Criminal Procedure.

Registering officers to be deemed public servants.

96. Every registering officer appointed under this Act shall be deemed a public servant within the meaning of the Indian Penal Code.

Every person shall be legally bound to furnish information to such registering officer when required by him to do so. And in section two hundred and twenty-eight of the said Code, the words "judicial proceeding" shall include any proceeding under this Act.

PART XV.

Miscellaneous.

Registering officer not to be liable for anything *bonâ fide* done or refused in his official capacity.

97. No registering officer shall be liable to any suit, claim or demand by reason of anything in good faith done or refused in his official capacity.

Nothing done by registering officer to be invalidated by defect in his appointment or procedure.

98. Nothing done in good faith pursuant to this Act, or any Act hereby repealed, by any registering officer, shall be deemed invalid merely by reason of any defect in his appointment or procedure.

Registration of instruments executed by Government officers or certain public functionaries.

99. Notwithstanding anything herein contained, it shall not be necessary for any officer of Government, or for the Administrator General of Bengal, Madras or Bombay, or for any Official Trustee, or for the Sheriff, Receiver or Registrar of a High Court, to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him in his official capacity, or to sign as provided in section sixty-six.

But when any instrument is so executed, the registering officer to whom such instrument is presented for registration may, if he think fit, refer to any Secretary of Government or to such officer of Government, Administrator General, Official Trustee, Sheriff, Receiver or Registrar, as the case may be, for information respecting the same, and, on being satisfied of the execution thereof, shall register the instrument.

Time for registering documents executed in Burma and Coorg before 1st January 1871.

100. Notwithstanding anything herein contained, every document of the kinds mentioned in sections seventeen and eighteen, executed in British Burma before the first day of January 1871, and every jama sanad executed in Coorg before that date, shall be accepted for registration, if duly presented for registration within twelve months from such date.

Exemptions from Act.

Exemption of certain documents executed by or in favour of Government.

101. Nothing contained in this Act or any Act hereby repealed shall be deemed to require, or to have at any time required, the registration of any of the following documents or maps:—

(a.) Documents issued, received, or attested by any officer engaged in making a settlement or revision of settlement of land revenue, and which form part of the records of such settlement.

(b.) Documents and maps issued, received, or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, other than waste land, and which form part of the record of such survey.

(c.) Documents which, under any law for the time being in force, are filed annually by patwáris or other officers charged with the preparation of village records.

(d.) Sanads, inám title-deeds, and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land, in reward for special services.

But all such documents and maps shall, for the purposes of sections forty-eight and fifty, be deemed to have been and to be registered in accordance with the provisions of this Act.

Inspection and copies of such documents.

102. Subject to such rules and the previous payment of such fees as the Local Government from time to time prescribes in this behalf, all documents and maps mentioned in section one hundred and one, clauses *a*, *b* and *c*, shall be open to the inspection of any person applying to inspect the same, and, subject as aforesaid, copies of such documents shall be given to all persons applying for such copies.

Copies of sanads to be filed by Registrar.

103. A copy of every document mentioned in section one hundred and one, clause *d*, and executed on or after the first day of January 1871 shall, as soon as may be after its execution, be sent by the Local Government to the Registrar or to every Registrar within whose District the whole or any part of the immoveable property comprised in such document is situate, and shall be filed by him in his Book 1.

Madras Inám title-deeds.

Exemption of Madras inám title-deeds.

104. Nothing contained in this Act, or in any Act hereby repealed, shall be deemed to require, or to have required, the registration of any title-deed for inám lands issued by the Inám Commissioner in the Presidency of Fort St. George.

The provisions of section one hundred and three shall not apply, and the provisions of section three of Act No. XXVII of 1868 shall be deemed not to have applied, to any such title deed.

Subject to such rules as the Local Government from time to time prescribes in this behalf, all the District Registers of ináms kept under the rules for the adjudication and settlement of inám lands in the said Presidency sanctioned by the Local Government and published in the *Fort St. George Gazette* dated the fourth day of October 1859, shall be open to the inspection of any person applying to inspect the same, and subject as aforesaid, copies of the said registers shall be given to all persons applying for such copies.

FIRST SCHEDULE.

PART I.

Serial No. of registered instrument with Page, No. and Volume of Register in which it has been entered.	Names of parties to and No. of the suit, and whether an original or appealed suit.	Description of the immoveable property referred to in the instrument.	Effect of the decree or order on the instrument.	Date on which decree or order was passed.	Name and official designation of judge or officer by whom the decree or order was passed.

(Signed) A. B.

PART II.

Names of parties to, and No. of the suit and whether an original or appealed suit.	Description of the immoveable property affected by the decree or order.	Effect of the decree or order on the said property.	Date on which decree or order was passed.	Name and official designation of judge or officer by whom the decree or order was made.

(Signed) A. B.

SECOND SCHEDULE.

Form of petition under section 84.

Stamp eight annas.

To the Judge of the District Court [*or* To the Deputy Commissioner] of

The day of 18 .

The petition of A. B. of

Sheweth—

1. That by an assurance dated the day of and made between C. D. of the one part and your petitioner of the other part, certain lands were conveyed to your petitioner absolutely.

2. That such assurance was executed by the said C. D. on the day of 18 .

3. That the property to which such assurance relates is situate in the Sub-District of the Sub-Registrar of and in the District of .

4. That on the day of your petitioner presented the said assurance for registration under "The Indian Registration Act, 1870," in the office of the said Sub-Registrar, and on such presentation the said C. D. appeared personally before the said Sub-Registrar, and admitted the execution of the said assurance [*or* and falsely denied the execution of the said assurance].

5. That the said C. D. is personally known to the said Sub-Registrar [*or* adduced evidence that he was the person he represented himself to be, *or* that your petitioner adduced evidence that the said C. D. was the person he represented himself to be].

6. That the said Sub-Registrar thereupon made an order of refusal, dated the day of 18 , to register the said assurance and gave your petitioner a copy, which is filed herewith, of the reasons for such order.

7. That your petitioner on the day of appealed to the Registrar of against such order.

8. That the said Registrar thereupon made an order of refusal, dated the day of to direct the registration of the said assurance, and gave your petitioner a copy, which is filed herewith, of the reasons for such order.

9. That the reasons referred to in paragraphs 6 and 8 are, as your petitioner submits, insufficient [*or* that your petitioner has complied with the requirements of the said Act so far as it has been possible for him to do so].

Your petitioner, therefore, prays that your Honour will order the said Sub-Registrar to register the said assurance.

A. B.

Form of Verification.

I, A B, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed) A. B.

STATEMENT OF OBJECTS AND REASONS.

The Indian Registration Act has now been in force for nearly five years. It has gradually been extended to the whole of British India, except Oudh and Burma, and it has attained its two great objects,—discouraging forgery and false evidence, and creating a trustworthy record of title to immoveable property.

In 1868 it was found expedient to exclude from its operation certain instruments executed by, or in favour of, Government, and the Government of Madras has recently applied for similar legislation as regards inám title-deeds.

To consolidate and amend the law on the subject is obviously preferable to adding a fourth Act to the three in which that law is now contained. The present Bill accordingly repeals and re-enacts Acts XX of 1866 and XXVII of 1868. It incorporates the provisions as to registration contained in the Military Cantonments Act No. XXII of 1864, sections 10 and 45. It extends the system of registration to the whole of British India, except Oudh. It renders written authorities to adopt compulsorily registrable. It enables Sub-Registrars to register wills and authorities to adopt and to receive deposits of such documents. It also enables Sub-Registrars to institute prosecutions without the Registrar's sanction; and it excludes from its operation Madras inám title-deeds.

Besides these substantial changes, the Bill effects various minor amendments suggested by the practical experience gained in working the Act of 1866. These may be shortly stated as follows:—

With reference to Mr. Justice Norman's decision in *Jalu Namdar* v. *Beicha Namdar*, 8 Ben. L. R., A. C. J. 394, "moveable property" has been defined so as to include juice in trees. And "addition" has been made to include, in the case of a Native, his father's name.

In section 10, provision has been made for cases where there are more District Courts than one.

Section 17 has been expressly made applicable to leases from year to year, and to those leases (common in Bengal) which merely reserve a yearly rent.

In *Nárâyana Swámi's Pillai's* case, 4 Mad. H. C. Rep. 91, Sir Adam Bittleston ruled that the provisions in Act XX of 1866, section 21, as to the description of houses and land, are merely directory. The Bill, section 22, embodies this ruling, which is clearly in accordance with the intention of the Act.

In section 32 the words 'including a Presidency town' have been omitted so as to render it possible for any Local Government to amalgamate in the Mofussil a Registry and a Sub-Registry Office.

It has been held by the Advocate General of Bengal that section 36 of Act XX of 1866, requires the persons executing a document to appear simultaneously before the Registering Officer. Such requirement is obviously inconvenient and unnecessary. The corresponding section of the Bill expressly provides that such appearances, if within the time allowed for presentation, may be either simultaneous or at different times.

In the same section the Bill expressly authorizes the Registering Officer to refuse to register where any person executing the document denies its execution, or where an executant appears to be a minor, an idiot, or a lunatic. This is in accordance with the views of the Advocate General of Madras.

Section 37 empowers the Registering Officer to require the Revenue Officer in whose jurisdiction any executant or witness, whose attendance is desired may be, to issue and to serve a summons requiring him to attend at the Registration Office. Some difficulty has been felt in Madras and elsewhere as to the Revenue Officer thus indicated, and the section has been altered by substituting for "the Revenue Officer" the words "such Revenue or Civil Court as the Local Government directs in this behalf."

In working Part VIII of Act XX of 1866, (as to sending to the Registry Office memoranda of decrees and orders affecting immoveable property) difficulty has been found in recovering the costs of registration. The Bill accordingly provides that the party in whose favour the decree or order has been made, shall himself present and pay for registering the memorandum, and that no such decree or order shall be of any force until a memorandum thereof has been registered. Forms of memoranda are given in the first Schedule. They must be registered within four months of the date of the decree or order, and the operation of the Part is confined to cases when the subject matter is of the value of Rs. 100 or upwards.

Section 48 of that Act provides that registered instruments relating to any moveable or immoveable property shall take effect against oral agreements relating thereto. The effect of this provision is (it has been argued) that a purchaser even of any trivial article bought in a shop and handed over the counter, has against any subsequent registered purchaser a defective title. The Bill accordingly by an additional section (49) precludes the operation of the former clause as regards moveables, where the agreement has been accompanied or followed by delivery of possession.

Certain decisions of the High Court at Fort William have made serious inroads on section 49 of the same Act, which declares that no instrument required to be registered "shall be received in evidence *in any civil proceeding* in any Court." The High Court has decided that an unregistered document requiring registration as affecting an interest in land is admissible in evidence in a civil proceeding for any purpose for which registration is unnecessary. The section has been re-drawn, so as to preclude, it is hoped, in future, a construction so opposed to the intention of the Legislature.

Section 51 of Act XX of 1866 prescribes the period of limitation for certain suits under a registered contract. The section has been omitted as it will find a fitter place in the Limitation Bill now being prepared in the Legislative Department.

Words have been introduced into section 53, showing clearly that the summary remedy provided on a specially registered bond is available only as against the person signing the agreement mentioned in section 52.

Section 57 has been altered so as to require the copying of such documents only as are *admitted* to registration.

The note taken by the Registering Officer under section 71, has been made admissible as *primâ facie* evidence of the facts therein stated.

As regards the procedure on the deposit of wills, the Bill provides, with reference to the case of *Nagindas*, 3 Bom. H. C. Rep. 135, decided by the present Chief Justice of the High Court at Bombay, that nothing in the Registration Act shall affect the power of any Court by order to compel the production of a will for the purposes of probate. Whenever any such order is made, the Registrar will copy the will in his book No. 4, and make a note on such copy that the original has been removed in pursuance of the order.

Section 84, as to the procedure when a Registrar refuses to register or to direct registration, has been made clearer. The Court has been expressly empowered to summon witnesses and compel them to give evidence; and the discretion reposed in it as to directing registration has been limited in accordance with the views of Sir Adam Bittleston (4 Mad. H. C. Rep. 97). Appeals from orders under this section have been expressly precluded (3 Bom. H. C. Rep. A. C. J. 104).

Provision has been made for admitting to registration, within twelve months after the new Act comes into force, of jama sanads executed in Coorg.

Lastly, the sections relating to penalties have been placed in a separate Part, and the wording of the Bill has been carefully settled with reference to all the reported decisions of the High Courts on Acts XVI of 1864 and XX of 1866.

F. R. COCKERELL.

SIMLA;
The 18th September 1870.

WHITLEY STOKES,
Secy. to the Govt. of India.

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations:—

No. 25 OF 1870.

A Bill to consolidate and amend the law relating to the District and Subordinate Civil Courts in Bengal.

Preamble. Whereas it is expedient to consolidate and amend the law relating to the District and Subordinate Civil Courts in the territories respectively under the governments of the Lieutenant-Governors of the

Lower and North-Western Provinces, of the Presidency of Fort William in Bengal; It is hereby enacted as follows:—

PART I.—*Preliminary.*

1. This Act may be called "The Bengal Civil Courts Act, 1870."
Short title.

It extends to the territories for the time being respectively under the governments of the said Lieutenant-Governors except such portions thereof as have been, or may hereafter be, removed by express enactment from the jurisdiction of the High Courts.
Local extent.

And it shall come into force on the passing thereof.
Commencement.

2. The Regulations and Acts mentioned in the first Schedule hereto annexed are repealed to the extent specified in the third column of such Schedule.
Repeal of enactments.

PART II.—*Constitution of Civil Courts.*

3. The number of District Judges to be appointed under this Act shall be fixed, and may, from time to time, be altered by the Local Government: Provided that no increase to the present number of District Judges shall be made by such Government without the previous sanction of the Governor General in Council.
Number of District Judges.

4. The number of Subordinate Judges and Munsifs to be appointed under this Act in each District, shall be fixed, and may, from time to time, be altered by the Local Government: Provided that no increase of the total number so appointed before the passing of this Act shall be made without the previous sanction of the Governor General in Council.
Number of Subordinate Judges and Munsifs.

5. Whenever the office of District Judge or Subordinate Judge under this Act is vacant, or when it is necessary to increase the number of Subordinate Judges, the Local Government shall, subject to the provisions of section three, supply such vacancy or appoint such additional Subordinate Judges, as it thinks fit.
Vacancies in District Judgeships.

6. Whenever the office of a Munsif is vacant, or when it is necessary to increase the number of Munsifs, the High Court shall nominate such person as it thinks fit to be a Munsif, and the Local Government shall appoint him accordingly:
Vacancies in Munsifships.

Provided that the Local Government may, with the sanction of the Governor General in Council, make rules as to the qualifications of persons to be appointed to the office of Munsif under this Act; and on such rules being made, no person shall be nominated to such office unless he possesses the qualifications required by the said rules.

7. The present Judges of the Zila Courts, Subordinate Judges and Munsifs shall be the first District Judges, Subordinate Judges, and Munsifs under this Act.
First District Judges, Subordinate Judges, and Munsifs.

8. The Local Government shall have power to fix, and, from time to time, alter the place at which any Court under this Act is to be held.
Power to fix sites of Court.

9. Every District Judge, Subordinate Judge or Munsif appointed after the passing of this Act shall, previously to entering on the duties of his office, make and subscribe a solemn declaration according to the form in the second Schedule to this Act.
Oath of office.

Such declaration shall be made—

by a District Judge, either before his predecessor in such office, or before the Magistrate of the District,

by a Sub-Judge or Munsif, before the District Judge.

10. Every Court under this Act shall use a seal of such form and dimensions as shall, from time to time, be prescribed by the Local Government.
Seals of Courts.

11. Every District Judge, Subordinate Judge, and Munsif under this Act shall be deemed to be a Civil Court within the meaning of the Code of Civil Procedure and of this Act.
District Judges, Subordinate Judges, and Munsifs to be deemed Civil Courts.

PART III.—*Ordinary Jurisdiction.*

12. The Local Government shall fix, and may, from time to time, vary the local limits of the jurisdiction of any Civil Court under this Act.
Power to fix local limits of jurisdiction.

13. The jurisdiction of a District Judge or Subordinate Judge extends, subject to the rules contained in the Code of Civil Procedure, to all original suits cognizable by the Civil Courts.
Extent of original jurisdiction of District Judge or Subordinate Judge.

14. The jurisdiction of a Munsif extends to all like suits of which the amount or value in dispute does not exceed one thousand rupees.
Extent of Munsif's jurisdiction.

15. A regular or summary appeal shall, when such appeal is allowed by law, lie from the decrees and orders of a District Judge to the High Court.
Appeals from District Judge.

16. Appeals from the decrees and orders of Subordinate Judges and Munsifs shall, when such appeals are allowed by law, lie to the District Judge, except when the amount or value of the subject-matter of the suit exceeds five thousand rupees, in which case the appeal shall lie to the High Court.
Appeals from Subordinate Judges and Munsifs.

17. Every Court established under this Act shall have power to require a witness, or party to any suit pending in such Court, to take such oath as is prescribed by the law for the time being in force.
Power to require witnesses or parties to be sworn.

18. Where in any suit it is necessary for any Court under this Act to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution, the Muhammadan law in the case of Muhammadans, and the Hindú law in the case of Hindús, shall form the rule of decision, except in so far as such law has, by legislative enactment, been altered or abolished.
Certain decisions to be according to Muhammadan law in case of Muhammadans, and to Hindú law in case of Hindús.

Where no specific rule exists, the Court shall act according to justice, equity, and good conscience.

19. No District Judge, Subordinate Judge or Munsif shall try any suit in which he is a party or personally interested, or shall adjudicate upon any proceeding connected with, or arising out of, such suit.
Judges or Munsifs not to try suits in which they are interested.

No District Judge or Subordinate Judge shall try any appeal against a decree or order passed by himself in another capacity.

When any such suit, proceeding or appeal comes before any such officer as aforesaid, he shall forthwith transmit the whole record of the case to the Court to which he is immediately subordinate, with a report of the circumstances attending the reference. The superior Court shall thereupon dispose of the case in the manner prescribed by the Code of Civil Procedure.

PART IV.—*Special Jurisdiction.*

20. When the number of appeals from the orders of a Subordinate Judge pending before any District Judge requires the aid of additional Judges for the speedy adjudication and decision of such appeals, the Local Government may, upon the recommendation of the High Court, and (so far only as regards the additional expenditure involved in such appointment) subject to the sanction of the Governor General in Council, appoint such additional Judges as may be requisite.
Provision for appointing additional Judges.

The Additional Judges so appointed shall, previously to entering upon the execution of the duties of their office, make and subscribe the same declaration as is required to be made by the District Judges.

They shall perform any of the duties of a District Judge under Part III, that may be assigned to them, and, in the performance of such duties, shall exercise the same powers and be guided by the same rules as the District Judge.

The present Additional Judges shall be deemed to have been appointed under this Act.

21. The Local Government may invest any Subordinate Judge with the powers of a Munsif under section fourteen, and may define and, from time to time, vary the local limits within which such powers are to be exercised.
Power to invest Subordinate Judge with Munsif's jurisdiction.

22. Every District Judge may, from time to time, subject to the orders of the High Court, refer to any Subordinate Judge under his control any appeals depending before him from the decisions of Munsifs; and such Subordinate Judge shall hear and dispose of such appeals accordingly.
Power to refer to Subordinate Judges appeals from Munsifs.

23. The High Court may, from time to time by order, authorize any District Judge to transfer to a Subordinate Judge or Munsif under the control of such District Judge any civil proceeding (not being suits), or any class of such proceedings, specified in such order, and then pending or thereafter instituted, before such District Judge.
Power to transfer to Subordinate Judge or Munsif certain proceedings pending before District Judge.

All proceedings so transferred shall be disposed of by the Subordinate Judge or Munsif (as the case may be) according to the rules prescribed for the guidance of District Judges in like cases:

Provided that an appeal from the order of the Subordinate Judge or Munsif in such cases shall lie to the District Judge.

An appeal from his order thereon shall lie to the High Court if an appeal from the decision of the Judge in such proceedings is allowed by the law in force for the time being.

24. The Local Government may invest, within such local limits as it from time to time appoints, any Subordinate Judge with the jurisdiction of a Judge of a Court of Small Causes, for the trial of suits cognizable by such Courts, up to the amount of five hundred rupees, and any Munsif with similar jurisdiction up to the amount of fifty rupees, and may, whenever it thinks fit, withdraw such jurisdiction from the Subordinate Judge or Munsif so invested.
Power to invest Subordinate Judges with Small Cause jurisdiction.

25. Section fifty-one of Act No. XI of 1865 *(to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the Ordinary Original Civil Jurisdiction of the High Courts of Judicature)*, shall be read as if for the words "Principal Sadr Amín," the words "Subordinate Judge" were substituted.
Amendment of Act XI of 1865.

PART V.—*Misfeazance.*

26. A District Judge or Additional Judge may, for any misconduct, be suspended or removed by the Local Government.
Suspension or removal of District Judge or Additional Judge.

27. The High Court may, whenever it sees urgent necessity for so doing, suspend any Subordinate Judge under its control.
Suspension of Subordinate Judge.

Whenever the High Court exercises this power, it shall forthwith report the circumstances of the suspension, and the Local Government may direct the dismissal of the Subordinate Judge, or make such other order as the case may require.

28. The High Court may suspend any Munsif or may appoint a Commission for enquiring into his alleged misconduct.

Suspension of Munsifs by High Court.

The provisions of Act No. XXXVII of 1850 *(for regulating inquiries into the behaviour of public servants)*, shall apply to enquiries under this section, the powers conferred by that Act on the Government being exercised by the High Court.

On receiving the report of the result of such inquiry, the High Court may remove or suspend from office such Munsif, or may reduce him to a lower grade.

29. Any District Judge may, whenever he sees urgent necessity for so doing, suspend from office any Munsif under his control.

Suspension of Munsifs by District Judges.

Whenever a District Judge suspends from office any such Munsif, he shall forthwith send to the High Court a full report of the circumstances of the suspension, together with the evidence, if any, and the High Court shall make such order thereon as it thinks fit.

PART VI.—*Ministerial Officers.*

30. The Ministerial Officers of the District Courts shall be appointed, and may be removed, suspended, or fined in an amount not exceeding one month's salary, by the Judges of such Courts, whose orders in such matters shall be final.

Appointment, removal and suspension of Ministerial Officers of District Courts.

31. The Ministerial Officers of the Courts of Subordinate Judges and Munsif shall be nominated and appointed by those Courts respectively, subject to the approval of the District Judge within whose jurisdiction such Courts are situate.

Appointment, removal and suspension of Ministerial Officers, of Subordinate Judges and Munsifs.

Every such Court may, by order, remove or suspend from office, or fine in an amount not exceeding one month's salary, any of its Ministerial Officers who is guilty of any misconduct or neglect in the performance of the duties of his office. But every such order shall be subject to appeal to the District Judge; and the rules for the time being applicable to appeals to the Court of Session from orders of the Criminal Courts subordinate thereto shall apply to all appeals under this section.

Nothing in this section shall exempt the offender from any penal or other consequences to which he may be liable under any other law in force for the time being.

32. All fines imposed under this Part may be recovered by deduction from the salary of the offender.

Recovery of fines.

PART VII.—*Miscellaneous.*

33. In the event of the death of the District Judge, or of his being incapacitated by illness or otherwise for the performance of his duties, or of his absence from the station in which his Court is held, the Additional Judge, or, if there is no Additional Judge attached to such Court, the senior Subordinate Judge of the District shall, without interruption to his ordinary duties, assume charge of the Judge's office, and shall discharge such of the current duties thereof as are connected with the filing of suits and appeals, the execution of processes and the like functions, and shall continue in charge of the office until it is resumed by the District Judge or assumed by an Officer duly appointed thereto.

Death, incapacity or absence of District Judge.

34. A District Judge, on the occurrence within his District of any vacancy in the office of Munsif, may, pending the orders of the High Court thereon, appoint such person as he thinks fit to act in such office.

Vacancy in Munsif's office.

And he shall forthwith report to the High Court the occurrence of every such vacancy and such appointment.

35. The general control over all the Civil Courts in any District is vested in the District Judge. He may issue such directions for the guidance of the Subordinate Courts with respect to any matter not provided for by law as he thinks necessary, and the said Courts shall obey such directions.

Control of Civil Courts in a District.

36. Subject to such orders as may, from time to time, be issued by the Governor General in Council or by the Local Government, the High Courts shall prepare a list of days to be observed in each year as close holidays in such Courts and in the Courts, respectively, subordinate to them, and such list shall be published at the commencement of each year in the local official *Gazette*.

List of holidays.

FIRST SCHEDULE.

Number and year.	Title.	Extent of Repeal.
Regulation III, 1793 ...	A Regulation for extending and defining the jurisdiction of the Courts of Dewanny Adalwut, or Courts of Judicature for the trial of civil suits in the first instance, established in the several Zillahs, and in the cities of Patna, Dacca, and Moorshedabad.	So much as has not been repealed.
„ IV, 1793 ...	A Regulation for receiving, trying, and deciding suits or complaints declared cognizable in the Courts of Dewanny Adawlut established in the several Zillahs, and in the Courts of Patna, Dacca, and Moorshedabad.	Section fifteen.
„ VIII, 1833 ...	A Regulation for the occasional appointment of additional Judges of the Zillah and City Courts.	The whole.
Act L of 1860 ...	An Act to amend the law relating to vacations in the Civil Courts within the Presidency of Fort William in Bengal.	The whole.
„ XVI of 1868 ...	An Act to consolidate and amend the law relating to Principal Sadr Amíns, Sadr Amíns, and Munsifs in Bengal, and for other purposes.	The whole.
„ II of 1870 ...	An Act to provide for the appointment of Additional Subordinate Judges and Munsifs in the Presidency of Fort William.	The whole.

SECOND SCHEDULE.

Form of declaration to be administered to persons appointed to the office of District Judge, Additional Judge, Subordinate Judge, or Munsif.

I, A B, appointed to the office of of do solemnly declare that, in the trial and determination of all suits which may come under my cognizance, and in the execution of all the other duties of my office, I will act according to the best of my abilities and judgment without partiality, favour, or affection; that I will not directly or indirectly receive, or knowingly allow any other person to receive on my behalf, any money, effects, or property, on account of any suit that may come before me for decision, or on account of any public duty which I may have to execute.

I will strictly adhere to all the rules prescribed for my guidance, and I will, in all respects, truly and faithfully execute the trust reposed in me.

(Signed) A B.

District [*or* Additional *or* Subordinate] Judge of

Munsif of

STATEMENT OF OBJECTS AND REASONS.

The law relating to the constitution and jurisdiction of the District (or zila) courts in Lower Bengal and the North-Western Provinces is now spread over the following enactments:—

Regulation III of 1793 (Bengal Code).
" IV " "
" VII of 1795 "
" VIII " "
" II of 1803 "
" III " "
" VIII of 1805 "
" VIII of 1833 "
Act L of 1860.

The repeal of Regulations VII of 1795, VIII of 1795 (except section ten), II and III of 1803, and VIII of 1805, as enactments purporting only to extend to the North-Western Provinces the provisions of the earlier Regulations of 1793 in regard to the zila courts, has been already proposed in connection with the Bill for defining the local extent of the general Regulations and Acts now before the Council.

In pursuance of the general scheme of consolidation, it has now become necessary to gather together the remaining fragments of the Regulation-law on this subject, and to combine therewith the recently consolidated law (Act XVI of 1868) regarding the civil courts subordinate to the zila courts.

A further object of the present Bill is to supply certain omissions of Act XVI of 1868 in regard to the jurisdiction of sub-Judges and Munsifs.

The older Regulations provide that the zila courts shall, in the determination of cases relating to inheritance, marriage, caste, or religious usage, be guided by the Muhammadan law where the parties to the cause are Muhammadans, and by the Hindú law where the parties are Hindús; also, that in cases for which no specific rule exists, the said courts shall act in accordance with equity and good conscience.

The application of these rules was, on the subsequent creation of the Courts of Munsifs, Sadr Amíns (now designated Munsifs) and Principal Sadr Amins (now Subordinate Judges) extended to such courts; but the extending provisions were, apparently through inadvertence, included in the wholesale repeals which followed the introduction of the Code of Civil Procedure, and they were not revived when Act XVI of 1868 was enacted.

SIMLA,
The 7th October 1870. } F. R. COCKERELL.

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, OCTOBER 15, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 3rd October 1870.

No. 22 OF 1870.

A Bill to consolidate the laws relating to Prisoners confined by order of a Court.

Preamble.

For the purpose of consolidating the laws relating to prisoners confined by order of a Court; It is hereby enacted as follows:—

PART I.—PRELIMINARY.

Short title.

1. This Act may be called "The Prisoners' Act, 1870."

Local extent.

It extends to the whole of British India.

Commencement.

And it shall come into force on the passing thereof.

Repeal of Acts.

2. The Acts mentioned in the Schedule hereto annexed are repealed.

PART II.—PRISONERS IN THE PRESIDENCY TOWNS.

Warrants and writs to be directed to Police Officers.

3. All writs or warrants for the arrest or apprehension of any person, issued or awarded by the High Court in the exercise of its ordinary, extraordinary, or other criminal jurisdiction, shall be directed to and executed by any officer of Police within the local limits of such jurisdiction.

Local Government may appoint Superintendent of Presidency Prisons.

4. The Local Government may appoint an officer who shall be called in Calcutta the Superintendent of the Presidency Prisons, and in Madras and Bombay the Superintendent of Prisons for the town of Madras or Bombay, as the case may be, and who shall have authority to receive and keep prisoners committed to his custody under the provisions of this Part.

Superintendents to detain persons committed.

5. The said prisons shall be the prisons of Calcutta, Madras, and Bombay respectively,

and the Superintendents so appointed are hereby respectively authorized and required to keep and detain all persons duly committed to their custody pursuant to the provisions of this Act, or otherwise, by any Court, Judge, Justice of the Peace, Magistrate of Police, Coroner, or other public officer lawfully exercising civil or criminal jurisdiction according to the exigency of any writ, warrant or order by which such person has been committed, or until such person is discharged by due course of law.

Superintendents to return writs, &c., after execution or discharge with certificates.

6. The said Superintendent shall forthwith after the execution of every such writ, order, or warrant, except warrants of commitment for trial, or after the discharge of the person committed thereby, return such writ, order, or warrant to the Court or other officer by which or by whom the same has been issued

or made, together with a certificate endorsed thereon and signed by such Superintendent, showing how the same has been executed, or why the person committed thereby has been discharged from custody before the execution thereof.

7. Whenever any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to imprisonment or to death, the Court shall cause him to be delivered to the said Superintendent, together with the warrant of the said Court, and such warrant shall be executed by such Superintendent and returned by him to the High Court when executed.

Persons sentenced by High Court to imprisonment or death to be delivered to the Superintendent.

8. Whenever any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to transportation or penal servitude, the Court shall cause him to be delivered for intermediate custody to the said Superintendent, and the imprisonment of such person shall have effect from such delivery.

Persons sentenced by High Court to transportation or penal servitude to be delivered for intermidiate custody to Superintendent.

9. Whenever any Judge of a High Court makes, under any Act for the time being in force for punishing mutiny and desertion, and for the better payment of the Army and their quarters, order for the intermediate custody of an offender sentenced by a Court Martial holden in India, the Judge shall order such offender to be detained for intermediate custody by the said Superintendent.

Order under Mutiny Act for intermediate custody.

10. Whenever any person is committed by the High Court, whether in execution of a decree or for contempt of Court, or other cause, he shall be taken by the officer to be appointed for that purpose by such Court, and shall be delivered to the said Superintendent, together with a warrant of commitment.

Committals by High Court in execution of a decree or for contempt.

11. Whenever any person is sentenced by a Magistrate of Police for the town of Calcutta, Madras, or Bombay, to imprisonment, either absolutely or for default of payment of any fine imposed by any such Magistrate, or is committed to prison for failure to find security to keep the peace and to be of good behaviour, the Magistrate shall cause him to be delivered to the said Superintendent, together with a warrant of the Court.

Persons sentenced by Magistrate of Police to imprisonment, or imprisoned for non-payment of fine, to be delivered to Superintendent with a warrant.

12. Every person committed by a Justice of the Peace or Magistrate or Coroner for trial by the High Court in the exercise of its original criminal jurisdiction shall be delivered to the said Superintendent, together with a warrant of commitment directing him to have the body of such person before the Court for trial, and such Superintendent shall, as soon as practicable, cause such person to be taken before the Court at a Criminal Session of the said Court, together with the warrant of commitment, in order that he may be dealt with according to law.

Persons committed by Justice or Magistrate or Coroner for trial by High Court to be delivered to Superintendent with warrant.

13. Pending any such enquiry as is mentioned in section eight of Act No. XXIII of 1861 *(to amend Act VIII of 1859)*, which the High Court considers it necessary to make, the defendant may be delivered by the officer of the said Court to the said Superintendent, subject to the provisions as to deposit of fees and as to release on security contained in the same section,

Custody, pending enquiry under Act XXXIII of 1861, section 8.

and such Superintendent is hereby authorized and required to detain such defendant in safe custody until he is redelivered to the Officer of the Court for the purpose of being taken before the said Court in pursuance of an order of the said Court or of a Judge thereof, or until he is released by due course of law.

14. Every person arrested in pursuance of a writ, warrant, or order of the High Court, in the exercise of its original civil jurisdiction,

Persons arrested in pursuance of warrant of High Court, or Small Cause Court, to be delivered to Superintendent.

or in pursuance of a warrant of any Court established in Calcutta, Madras or Bombay under Act No. IX of 1850 *(for the more easy recovery of small debts and demands in Calcutta, Madras and Bombay)*,

or in pursuance of a warrant issued under section three of this Act,

shall be brought without delay before the Court by which, or by a Judge of which, the writ, warrant, or order was issued, awarded, or made, or before a Judge thereof, if the said Court, or a Judge thereof, is then sitting for the exercise of original jurisdiction; and if such Court, or a Judge thereof, is not then sitting for the exercise of original jurisdiction, shall, unless a Judge of the said Court otherwise orders, be delivered to the said Superintendent for intermediate custody, and shall be brought before the said Court, or a Judge thereof, at the next sitting of the said Court, or of a Judge thereof, for the exercise of original jurisdiction, in order that such person may be dealt with according to law;

and the said Court or Judge shall have power to make or award all necessary orders or warrants for that purpose.

15. Any warrant of commitment under Regulation III of 1818 of the Bengal Code *(for the confinement of State prisoners)*, Regulation II of 1819 of the Madras Code *(for the confinement of State prisoners)*, and Regulation XXV of 1827 of the Bombay Code *(for the confinement of State prisoners, and for the attachment of the lands of Chieftains and others, for reasons of State)*, may be directed to the said Superintendent in the same manner as the same might have been directed to the Sheriff under Act No. XXXIV of 1850 *(for the better custody of State prisoners)*, and Act No. III of 1858 *(to amend the law relating to the arrest and detention of State prisoners)*.

Warrants under Regulations for confinement of State prisoners may be directed to Superintendent.

16. Section twenty-five of Act No. XLVIII of 1860, shall be construed in Bombay as if the words "Superintendent of prisons for the town of Bombay," were substituted for the words "Keeper or Governor of the Jail or House of Correction."

Construction of section 25 of Act No. XLVIII of 1860.

PART III.—PRISONERS IN THE MOFUSSIL.

17. Officers in charge of prisons situate outside the local limits of the ordinary original civil jurisdictions of the High Courts of Judicature at Fort William, Madras and Bombay, shall be competent to give effect to any sentence passed by any Court or tribunal acting under the authority of Her Majesty, or of the Governor General of India in Council, or of any Local Government.

Officers in charge of prisons may give effect to sentences passed by certain Courts.

18. A warrant under the official signature of an officer of such Court or tribunal shall be sufficient authority for holding any prisoner in confinement, or for sending any prisoner for transportation beyond sea, in pursuance of the sentence passed upon him.

Warrant of officer of such Court to be sufficient authority.

19. Any officer in charge of a prison doubting the legality of any warrant sent to him for execution under this Part, or the competency of the person whose official seal and signature are affixed thereto to pass the sentence and issue such warrant, shall refer the matter to the Local Government, by whose order on the case such officer and all other public officers shall be guided as to the future disposal of the prisoner.

Pending any such reference, the prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant.

Procedure where jailor doubts the legality of warrant sent to him for execution.

Persons convicted in Native States.

20. The Local Government may authorize the reception, detention, or imprisonment in any place under such Government, for the periods specified in their respective sentences, of persons sentenced within the territories of any Native Prince or State in alliance with Her Majesty to imprisonment or transportation for any of the following offences,—

Imprisonment in British India of persons convicted of certain offences in Native States.

thuggee, dacoity, belonging to any gang of thugs or dacoits,

murder, culpable homicide,

administering poison or any other thing with intent to cause hurt or commit, or to facilitate the commission of an offence,

rape, voluntarily causing grievous hurt,

child-stealing, selling females, robbery, housebreaking, cattle theft,

malicious and wilful burning of houses, forgery, counterfeiting coin, or uttering counterfeit coin,

criminal breach of trust, criminal misappropriation of property,

attempt to commit any of the above offences,

abetment within the meaning of the Indian Penal Code of suicide by burning or burying alive *(samádh)*, or of any of the other offences above specified,

and for such other offences as the Governor General in Council, from time to time, by order published in the *Gazette of India*, thinks fit to prescribe:

Provided always that such sentences have been pronounced after trial before a tribunal in which an officer of Government, duly authorized in that behalf by such Native Prince or State, is one of the presiding Judges.

Proviso.

21. Every officer of Government so authorized as aforesaid shall forward with every prisoner a certificate of his conviction, and a copy of the proceedings held at the trial, that the same may be forthcoming for reference at the place where the sentence of imprisonment or transportation is carried into effect.

Certificate of conviction.

Copy of proceedings.

PART IV.—CONVICTS SENTENCED TO PENAL SERVITUDE.

22. Every person sentenced to be kept in penal servitude may, during the term of the sentence, be confined in such prison within British India as the Governor General of India in Council by general order, from time to time, directs;

and may, during such time, be kept to hard labour;

and may, until he can conveniently be removed to such prison, be imprisoned, with or without hard labour, and dealt with in all other respects as persons sentenced by the convicting Court to rigorous imprisonment may, for the time being, by law be dealt with:

Person under sentence of penal servitude where to be sent, and how to be dealt with.

Intermediate imprisonment.

The time of such intermediate imprisonment, and the time of removal from one prison to another, shall be taken and reckoned in discharge, or part discharge, of the term of the sentence.

Time of intermediate imprisonment to count in discharge of sentence.

23. All Acts and Regulations now in force within British India, with respect to convicts under sentence of transportation, or under sentence of imprisonment with hard labour, shall, so far as may be consistent with the express provisions of this Act, be construed to apply to persons under any sentence of penal servitude.

Acts respecting convicts under sentence of transportation or imprisonment with hard labour applied to persons under sentence of penal servitude.

24. The Governor General in Council may grant to any convict hereafter to be sentenced to be kept in penal servitude, a license to be at large within British India or in such part thereof as in such license is expressed, during such portion of his term of servitude, and upon such

Power to grant license to be at large to convict under sentence of penal servitude.

conditions as to the Governor General in Council seem fit.

The Governor General in Council may at any time revoke or alter such license.

Holder of license to be allowed to go at large.

25. So long as such license continues in force and unrevoked, such convict shall not be liable to imprisonment or penal servitude by reason of his sentence, but shall be allowed to go and remain at large according to the terms of such license.

If license revoked, the convict may be apprehended.

26. In case of the revocation of any such license as aforesaid, any Secretary to the Government of India may, by order in writing, signify to any Justice of the Peace or Magistrate that such license has been revoked, and require him to issue a warrant for the apprehension of the convict to whom such license was granted, and such Justice or Magistrate shall issue his warrant accordingly.

Execution of warrant.

27. Such warrant may be executed by any officer to whom it may be directed or delivered for that purpose in any part of British India, and shall have the same force in any place within British India as if it had been originally issued or subsequently endorsed by a Justice of the Peace, or Magistrate, or other authority having jurisdiction in the place where the same is executed.

Apprehended convict to be brought up for recommitment.

28. The convict, when apprehended under such warrant, shall be brought, as soon as conveniently may be, before the Justice or Magistrate by whom it has been issued, or some other Justice or Magistrate of the same place, or before a Magistrate or Justice having jurisdiction in the district in which the convict is apprehended.

Such Justice or Magistrate shall thereupon make out his warrant under his hand and seal, for the recommitment of the convict to the prison from which he was released by virtue of the said license.

Recommitment.

29. Such convict shall be recommitted accordingly, and shall thereupon be liable to be kept in penal servitude for such further period as, with the time during which he may have been imprisoned under the original sentence and the time during which he may have been at large under an unrevoked license, is equal to the period mentioned in the original sentence.

Penalty for breach of condition of the license.

30. If a license be granted under section twenty-five upon any condition specified therein, and the convict to whom the license is granted violates any such condition,

or goes beyond the limits specified in the license,

or, knowing of the revocation of such license, neglects forthwith to surrender himself, or conceals himself, or endeavours to avoid being apprehended, he shall be liable upon conviction to be sentenced to penal servitude for a term not exceeding the full term of penal servitude mentioned in the original sentence.

PART V.—REMOVAL OF CONVICTS.

Power to remove prisoners sentenced by High Court from one jail to another in the territories under Local Government.

31. When any person is, or has been, sentenced to imprisonment by a Court established by Royal Charter, the Local Government may order his removal during the period prescribed for his imprisonment, from the jail in which he is confined to any other jail within the territories subject to the same Local Government.

Lunatic prisoners sentenced by High Court may be removed to asylum.

32. Whenever it appears to the Local Government that any person, imprisoned by the sentence of a Court established by Royal Charter, is of unsound mind, such Government, by a warrant setting forth the grounds of belief that such prisoner is of unsound mind, may order his removal to a lunatic asylum, or other fit place of safe custody, within the territories subject to the same Government, there to be kept and treated as the Local Government directs during the remainder of the term of imprisonment ordered by the sentence; or if it be certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be detained under medical care or treatment, then, until he is discharged, according to law.

Remand on recovery.

When it appears to the said Government that such prisoner has become of sound mind, the Local Government, by a warrant directed to the person having charge of the prisoner, shall remand him to the prison from which he was removed, if then still liable to be kept in custody, or if not, shall order him to be discharged.

Discharge.

Act XXXVI of 1858, section 9, applied to prisoners in lunatic asylum.

The provisions of section nine of Act XXXVI of 1858 *(relating to Lunatic Asylums)* shall apply to every person confined in a lunatic asylum under this section after the expiration of the term of imprisonment to which he has been sentenced; and the time during which he has been so confined shall be reckoned as part of such term.

Governor General in Council may order removal of prisoners from one prison to another.

33. When any person is, or has been, sentenced to imprisonment by any Court, the Governor General in Council may order his removal during the period prescribed for his imprisonment, from the prison in which he is confined to any other prison in British India.

PART VI.—MANAGEMENT OF TRANSPORTED CONVICTS.

Right to service of convicts.

34. As soon as any offender is delivered to the person appointed by the Governor General in Council in this behalf at the place to which such offender is transported, the property in his service shall, during the term of transportation, vest in the person so appointed.

Power to appoint persons to whom convicts shall be delivered.

35. The Governor General in Council may appoint the Governor or other authority at any place in British India, or one or more Superintendents at any such place, as the persons to whom convicts undergoing transportation shall be delivered, and in whom the property in their service shall vest as aforesaid.

Power to make rules as to convicts.

36. The Governor General in Council may, from time to time, prescribe rules as to the following matters:—

the classification of convicts;

their confinement, treatment, and discipline;

their punishment for misbehaviour, disorderly conduct, neglect, or disobedience.

PART VII.—DISCHARGE OF CONVICTS.

Discharge of convicts recommended by High Court for pardon.

37. Any Court established under the twenty-fourth and twenty-fifth of Victoria, chapter one hundred and four, may in any case in which it has recommended to Her Majesty the granting of a free pardon to any convict, permit him to be at liberty on his own recognizance.

SCHEDULE.

(See Section 2.)

Number and Year.	Subject or Title.	Extent of Repeal.
Act VII of 1837 ...	Charter Courts' power to discharge convicts recommended for pardon.	The whole.
Act XVI of 1840 ...	An Act concerning the management of convicts transported to places within the territories of the East India Company.	The whole.
Act XXIV of 1855 ...	An Act to substitute penal servitude for the punishment of transportation in respect of European and American convicts, and to amend the law relating to the removal of such convicts.	Sections five, six, seven, nine, ten, eleven, twelve.
Act XVII of 1860 ...	An Act to repeal Act V of 1858 (for the punishment of certain offenders who have escaped from jail, and of persons who shall knowingly harbour such offenders) and to make certain provisions in lieu thereof.	The whole.
Act VIII of 1863 ...	An Act for the amendment of the law relating to the confinement of prisoners.	The whole.
Act VIII of 1865 ...	An Act to make valid the imprisonment of certain persons arrested under the process of the High Court of Judicature at Fort William in Bengal, in the exercise of its ordinary original civil jurisdiction.	The whole.
Act II of 1867 ...	An Act to make further provision for the removal of prisoners.	The whole.
Act XII of 1867 ...	An Act to amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras and Bombay.	The whole.
Act XXVI of 1869 ...	An Act to correct a clerical error in Act VIII of 1863.	The whole.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to consolidate the nine Acts which contain the law relating to prisoners confined by the order of a Court. The Bill preserves intact the substance of the existing law; but some improvements have been made in its arrangement and wording.

SIMLA; *The 20th September* 1870. } F. R. COCKERELL.

WHITLEY STOKES,
Secretary to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 3rd October 1870.

No. 23 OF 1870.

A Bill to consolidate the law relating to Trespasses by Cattle.

Whereas it is expedient to consolidate the law relating to trespasses by cattle; It is hereby enacted as follows:— Preamble.

Preliminary.

Short title. **1.** This Act may be called 'The Cattle-trespass Act, 1870.'

Local extent. It extends to the whole of British India, except such districts or tracts of country as the Local Government, with the sanction of the Governor General in Council, may exclude from its operation.

Commencement. And it shall come into force on the passing thereof.

Repeal of Acts. **2.** The Acts mentioned in the Schedule hereto annexed shall be repealed to the extent specified in the third column of the said Schedule.

References to any of the said Acts in Acts passed subsequently thereto shall be read as if made to this Act.

Impounding Cattle.

Cattle doing damage to land may be seized and impounded. **3.** The cultivator or occupier of any land,

or any person who has advanced cash for the cultivation of the crop or produce on any land,

or the vendee or mortgagee of such crop or produce, or any part thereof,

may seize or cause to be seized any cattle trespassing on such land, and doing damage thereto or to any crop or produce thereon, and take them without unnecessary delay to the pound established for the village in which the land is situate.

Police to aid seizures. All Officers of Police shall, when required, give their aid to persons making such seizures.

Where pound shall be established. **4.** Pounds shall be established at the district police stations, and at such other places as the Magistrate of the District, under the orders of the Local Government, may determine.

The village by which every pound is to be used shall be determined and notified by the Magistrate of the District.

Controul and management of pounds. **5.** The pounds shall be under the controul of the Magistrate of the District, and for each pound a pound-keeper shall be appointed, who shall keep such registers and furnish such returns as the Local Government from time to time directs:

Provided that, in the Presidency of Fort St. George, the village Inspectors, and, in the Presidency of Bombay, the heads of villages and police pátils, shall be *ex-officio* the keepers of village pounds.

Seizures to be registered. **6.** When cattle are brought to a pound, the pound-keeper shall enter in his register the number and description of the animals, the name and residence of the seizer, and the name and residence of the owner, if known, and shall give the seizer a copy of the entry.

Pound-keeper to take charge of and feed cattle. The pound-keeper shall take charge of and feed the cattle until disposed of as hereinafter directed.

Fines.

Fines. **7.** For every head of cattle impounded as aforesaid, a fine shall be levied according to the following scale:

	Annas.
Camel or buffalo	eight.
Horse or pony, bull, bullock, or cow ...	four.
Calf or ass	two.
Sheep or goat	one.

No cattle shall be released by a pound-keeper without the payment of such fine, unless the release be ordered by competent authority.

Delivery or Sale of Cattle.

Procedure if owner appear and claim the cattle. **8.** If the owner appear and claim the cattle, they shall be delivered to him on payment of the prescribed fine, together with the expenses of feeding the cattle at such rates as may from time to time be fixed by the Magistrate of the District.

The owner, on taking back his cattle, shall sign a receipt for them in the register kept by the pound-keeper.

A list of the fines and of the rates of charge for feeding cattle shall be stuck up in a conspicuous place on or near to every pound.

Procedure if cattle be not claimed within a specified time. **9.** If the cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall report the fact to such officer of Police as the Local Government appoints in this behalf.

Such officer shall thereupon stick up in a conspicuous part of the Police Office a notice stating—

(a) the number and description of the cattle,

(b) the place where they were seized,

(c) the place where they are impounded,

and shall cause proclamation of the same to be made by beat of drum in the village, and at the marketplace nearest to the place of seizure.

If the cattle be not claimed within seven days from the date of the notice, they shall be sold by public auction by the said Officer of Police, or an officer of his establishment deputed for the purpose.

Procedure if owner appear and refuse or omit to pay the fines and expenses. **10.** If the owner appear and refuse or omit to pay the said fines and expenses, the cattle, or as many of them as may be necessary, shall be sold by public auction by the said Officer of Police.

The remaining cattle, and the balance of the purchase-money, if any, shall be delivered to the owner, together with an account showing—

(a) the number of cattle seized,

(b) the time during which they have been impounded,

(c) the charge for fines and expenses,

(d) the number of cattle sold,

(e) the proceeds of sale,

(f) the manner in which those proceeds have been disposed of.

The owner shall grant a receipt for the cattle delivered to him and for the balance of the purchase-money (if any) paid to him according to such account:

Proviso. Provided that, if a complaint against the seizure has been preferred under the provisions of section fourteen, no sale shall be made until the case has been decided, nor otherwise than according to the order passed in such case.

Police Officers and pound-keepers not to purchase cattle at a sale under this Act. **11.** No Police Officer or pound-keeper shall, directly or indirectly, purchase any cattle at a sale under this Act.

Disposal of sale-proceeds, fines, and expenses. **12.** When cattle are sold under this Act, the fines leviable and the expenses of feeding, together with the expenses of sale, if any, shall be deducted from the proceeds of the sale.

The Officer of Police by whom the sale was made shall send to the Magistrate of the District the fines so deducted, as well as all fines received by the pound-keepers under section eight.

The expenses of feeding so deducted shall be paid over to the pound-keepers, who shall also retain and appropriate all sums received by them on account of such expenses under section eight.

The surplus proceeds of the sale of unclaimed cattle shall be sent to the Magistrate of the District, who shall hold them in deposit for three months and, if no claim thereto be preferred and established within that period, shall, at its expiry, dispose of them as hereinafter provided.

Application of fines and unclaimed proceeds of sales. **13.** Out of the sums received on account of fines and the unclaimed proceeds of the sale of unclaimed cattle shall be paid—

(a) the salaries allowed to pound-keepers under the orders of the Local Government,

(b) the expenses incurred for the construction and maintenance of pounds, or for any other purpose connected with the execution of this Act;

and the surplus (if any) shall be applied, under orders of the Local Government, to the construction and repair of roads and bridges and other works of a like nature.

Complaints of Illegal Seizures.

Owner may prefer complaint to Magistrate within ten days from date of seizure of his cattle. **14.** Any person whose cattle have been seized and detained as doing damage to land or any crop or produce thereon may prefer a complaint at any time within ten days from the date of the seizure to any Magistrate authorized to receive and try charges without reference by the Magistrate of the District.

Procedure. The complaint may be either verbal, in which case the substance of it shall be taken down in writing by the Magistrate or other officer as aforesaid, or written upon unstamped paper; and shall be preferred by the complainant in person, or by an agent personally acquainted with the circumstances.

If the Magistrate on examining the complainant or his agent sees reason to believe the complaint to be well founded, he shall summon the person complained against, and make a summary enquiry into the case.

Compensation for illegal seizure. If the seizure be adjudged illegal, the Magistrate shall award to the complainant for the loss caused by the seizure and detention reasonable compensation, not exceeding one hundred rupees, to be paid by the person who made the seizure, together with all expenses incurred by the complainant in procuring the release of the cattle; and if the cattle have not been released, the Magistrate shall, besides awarding such compensation, order their release and direct that the fines and expenses leviable under this Act shall be paid by the person who made the seizure.

Munsifs and others may be invested with power to adjudicate under this section. Munsifs and other judicial officers having original jurisdiction, and not invested with criminal powers, may be specially invested by the Local Government with the power of receiving and trying complaints under this section, and in the exercise of such powers shall be subject to the same rules as Assistants and other officers subordinate to the Magistrate of the District.

All compensation awarded under this section shall be recoverable as if it were a fine imposed by the Magistrate awarding it.

Cattle damaging Roads, Canals, Embankments.

15. Persons in charge of public roads, canals, embankments, and the like, may seize, or cause to be seized, any cattle doing damage to the sides or slopes of such roads, canals, embankments, and the like; and all the foregoing provisions of this Act shall apply to such seizures.

Impounding cattle doing damage to public roads, canals, embankments.

Stray Cattle.

16. Village and other Police Officers shall take to the pounds established under section four all cattle, the owners of which are unknown, found straying in any public road or place; and the provisions of this Act relative to the detention, release, and sale of cattle seized as trespassing and doing damage, shall apply to all cattle so taken.

Impounding of stray cattle, the owners of which are unknown.

Penalties.

17. Whoever forcibly opposes the seizure of cattle liable to be seized under this Act,

Penalty for forcibly opposing the seizure of cattle or rescuing the same.

or forcibly rescues the same after seizure either from a pound, or from the seizer when conveying or about to convey them to a pound,

shall, on conviction before a Magistrate, be punishable with imprisonment for a period not exceeding six months, or with fine not exceeding five hundred rupees, or with both.

18. When any person commits mischief by causing cattle to trespass on any land, the penalty provided for such offence may be adjudged on the complaint of any person authorised to seize cattle under section three.

Recovery of penalty for mischief committed by causing cattle to trespass.

Any fine so adjudged may be recovered by sale of all or any of the cattle by which the trespass was committed, whether they were seized in the act of trespassing or not, and whether they are the property of the person convicted of the offence, or were only in his charge when the trespass was committed.

19. Any owner or keeper of pigs, who, through neglect or otherwise, damages or causes or permits to be damaged any land, or any crop or produce of land, or any public road, by allowing such pigs to trespass thereon, shall, on conviction before a Magistrate, be punished with fine not exceeding ten rupees.

Penalty for damage caused to land or crops or public roads by pigs.

All fines recovered under this and the last preceding section may be appropriated in whole or in part as compensation for loss proved to the satisfaction of the Magistrate.

Application of fines.

Suits for Compensation.

20. Nothing herein contained prohibits any person, whose crops or other produce of land have been damaged by trespass of cattle, from suing for compensation in any competent Court:

Saving of right of parties to sue for compensation.

Provided that any compensation paid to him under this Act by order of the Magistrate, shall be set off and deducted from any sum claimed by or awarded to him as compensation in such suit.

Proviso.

SCHEDULE.

Number and Year.	Title of Act.	Extent of Repeal.
III of 1857 ..	An Act relating to trespasses by cattle.	So much as has not been repealed.
V of 1860 ...	An Act to amend Act III of 1857 (relating to trespasses by cattle).	The whole.
XXII of 1861	An Act to amend Act III of 1857 (relating to trespasses by cattle).	So much as has not been repealed.

STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to consolidate the law relating to cattle-trespass, which is now scattered through three Acts,—III of 1857, V of 1860, and XXII of 1861. The opportunity has been taken to improve the arrangement and the wording of the law; to provide that damages awarded for illegal seizures may be recovered as if they were fines; and (with reference to the case of *Reg.* v. *Linganá bin Girbaná*, 4 Bom. High Court Rep. C. C. 14) to declare expressly that a person who, through neglect, permits a public road to be damaged by allowing his pigs to trespass thereon, is liable to be fined. The cases of *Reg.* v. *Mír Saheb Cassamia*, 1 Bom. High Court Rep. 100; *Reg.* v. *Mathúr Purshotam*, 4 *ib.* C. C. 13; and *Reg.* v. *Gangá Kom Mhasu*, 5 *ib.* C. C. 13, have also been carefully considered.

SIMLA;
The 20th September 1870. } F. R. COCKERELL.

WHITLEY STOKES,
Secretary to the Govt. of India.

The following preliminary Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 3rd October 1870:—

No. 20 OF 1870.

THE CORONERS' BILL, 1870.

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A Bill to consolidate the laws relating to Coroners.

Whereas it is expedient to consolidate the laws relating to Coroners in the Presidency Towns; It is hereby enacted as follows:—

Preamble.

I.—Preliminary.

1. This Act may be called "The Coroners' Act, 1870."

Short title.

It extends to the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William, Madras and Bombay.

Local extent.

And it shall come into force on the passing thereof.

Commencement.

2. The enactments mentioned in the first Schedule hereto annexed are repealed.

Repeal of enactments.

II.—Appointment of Coroners.

3. Within the local limits of the ordinary original civil jurisdiction of each of the said High Courts there shall be a Coroner. Such Coroners shall be called, respectively, the Coroner of Calcutta, the Coroner of Madras, and the Coroner of Bombay.

Coroners of Calcutta, Madras and Bombay.

4. Every such officer shall be appointed and may be suspended or removed by the Local Government.

Their appointment, suspension and removal.

Every person now holding such office shall be deemed to have been appointed under this Act.

Present Coroners.

5. Every Coroner shall be deemed a public servant within the meaning of the Indian Penal Code.

Coroners to be public servants.

6. Any Coroner may hold simultaneously any other office under Government.

Power to hold other offices.

7. Every person hereafter appointed to the office of Coroner shall take and subscribe, before one of the Judges of the High Court, an oath that he will faithfully discharge the duties of his office.

Oath to be taken by Coroner.

III.—Duties and Powers of Coroners.

8. When a Coroner is informed that the death of any person has been caused by accident, homicide, suicide, or suddenly by means unknown, or that any person being a prisoner has died in prison,

Jurisdiction to enquire into deaths.

and that the body is lying within the place for which the Coroner is so appointed, the Coroner shall inquire into the cause of death.

Every such inquiry shall be deemed a judicial proceeding within the meaning of section one hundred and ninety-three of the Indian Penal Code.

9. Whenever a prisoner dies in a prison situate within the place for which a Coroner is so appointed, the Superintendent of the prison shall send for the Coroner before the body is buried. Any Superintendent failing herein shall on conviction before a Magistrate be punished with fine not exceeding five hundred rupees.

Coroner to be sent for when prisoner dies.

10. Whenever an inquest ought to be holden on any body lying dead within the local limits of the jurisdiction of any Coroner he shall hold such inquest, whether or not the cause of death arose within his jurisdiction.

Power to hold inquests on bodies within local limits, wherever cause of death occurred.

11. A Coroner may order a body to be disinterred within a reasonable time after the death of the deceased person, either for the purpose of taking an original inquisition where none has been taken, or a further inquisition where the first was insufficient.

Power to order body to be disinterred.

12. On receiving notice of any death mentioned in section eight the Coroner shall summon five, seven, nine, eleven, thirteen or fifteen persons qualified and liable to serve as jurors under Act No. XIII of 1865 to appear before him at a time and place to be specified in the summons, for the purpose of enquiring when, how, and by what means the deceased came by his death.

Summoning jury.

Any inquest under this Act may be held on a Sunday.

Inquest may be on Sunday.

13. When the time arrives, the Coroner shall proceed to the place so specified, open the Court by proclamation, and call over the names of the jurors.

Opening Court.

14. When a full jury is in attendance, he shall administer an oath to each juror to give a true verdict according to the evidence, and shall then proceed with the jury to view the body.

Jurors to be sworn.

15. The Coroner and the jury shall view and examine the body at the first sitting of the inquest, and the Coroner shall make such observations to the jury as the appearance of the body requires.

View of body.

16. The Coroner shall then make proclamation for the attendance of witnesses, or, where the inquiry is conducted in secret, shall call in separately such as know anything concerning the death.

Proclamation for witnesses.

17. It shall be the duty of all persons acquainted with the circumstances attending the death to appear before the inquest as witnesses, and the Coroner shall enquire of such circumstances and the cause of the death, and if before or during the enquiry he is informed that any person can give evidence material thereto, may issue a summons requiring him to attend and give evidence on the inquest.

Summoning witnesses.

18. The Coroner may direct the performance of a *post-mortem* examination, with or without an analysis of the contents of the stomach or intestines, by any medical witness summoned to attend the inquest, and every such witness shall be entitled to such reasonable remuneration as the Coroner thinks fit.

Post-mortem examinations.

Fees to medical witnesses.

19. All evidence given under this Act shall be on oath, and the Coroner shall be bound to receive evidence on behalf of the party (if any) accused of causing the death of the deceased person.

Evidence to be on oath.

Evidence on behalf of accused.

Witnesses unacquainted with the English language shall be examined through the medium of an interpreter, who shall be sworn to interpret truly as well the oath as the questions put to, and the answers given by, the witnesses.

Interpreter.

After each witness has been examined, the Coroner shall enquire whether the jury wish any further questions to be put to the witness, and if the jury wish that any such questions should be put, the Coroner shall put them accordingly.

Questions suggested by jury.

20. The Coroner shall commit to writing the material parts of the evidence given to the jury, and shall read over such parts to the witness and then procure his signature thereto;

Coroner to take down evidence in writing.

any witness refusing so to sign shall be deemed to have committed an offence under section one hundred and eighty of the Indian Penal Code;

Witnesses to sign depositions.

every such deposition shall be subscribed by the Coroner.

Coroner to subscribe depositions.

21. The Coroner may adjourn the inquest from time to time, and from place to place.

Adjournment of inquest.

Whenever the inquest is adjourned the Coroner shall take the recognizances of the jurors to attend at the time and place appointed, and notify to the witnesses when and where the inquest will be proceeded in.

22. When all the witnesses have been examined, the Coroner shall sum up the evidence to the jury, and the jury shall then consider of their verdict.

Coroner to sum up to jury.

23. When the verdict is delivered, the Coroner shall draw up the inquisition according to the finding of the jury, or, when the jury is not unanimous, according to the opinion of the majority.

Coroner to draw up inquisition.

24. Every inquisition under this Act shall be signed by the Coroner with his name and style of office and by the jurors, and shall set forth—

Contents of inquisition.

(1) where, when, and before whom the inquisition is holden,

(2) who the deceased is,

(3) where his body lies,

(4) the names of the jurors and that they present the inquisition upon oath,

(5) where, when, and by what means the deceased came by his death; and

(6) if his death was occasioned by the criminal act of another, who is guilty thereof.

If the name of the deceased be unknown, he may be described as a certain person to the jurors unknown.

Every such inquisition may be in the form set forth in the second Schedule to this Act, with such variation as the circumstances of each case require.

25. When the verdict is that the death has been caused by culpable homicide amounting to murder, or to culpable homicide not amounting to murder, or by killing by a rash or negligent act, the Coroner shall bind by recognizance any person knowing or declaring anything material touching such murder, homicide, or killing to appear at the next criminal sessions at which the trial is to be, then and there to prosecute or give evidence against the party charged.

Procedure where verdict amounts to murder, culpable homicide, or killing by negligence.

The Coroner shall certify and subscribe such recognizances, and deliver the same, together with the inquisition and evidence, to the proper officer of the Court in which the trial is to be, before or at the opening of the Court.

Coroner to certify and deliver inquisition, depositions, and recognizances.

The Coroner shall also, where the verdict justifies him in so doing, issue his warrant for the apprehension of the person accused and commit him to prison, or if he be already in prison, issue a detainer to the officer in charge of the jail in which he is.

Warrant against person accused.

26. No inquisition found upon or by any inquest shall be quashed for any technical defect.

Inquisitions not to be quashed for want of form.

In any case of technical defect, a Judge of the High Court may, if he thinks fit, order the inquisition to be amended, and the same shall forthwith be amended accordingly.

Amendment of inquisition.

27. It shall no longer be the duty of any Coroner to enquire of treasure trove or wrecks, or to execute process, or to exercise as Coroner any jurisdiction not expressly conferred by this Act.

Cessation of jurisdiction as to treasure trove and wrecks.

IV.—Coroners' Juries.

28. Whenever any person has been duly summoned to appear as a juror by a Coroner, and fails or neglects to attend at the time and place specified in the summons, the Coroner may cause him to be openly called in his Court three times to appear and serve as a juror; and upon the non-appearance of such person, and proof that such summons has been served upon him, or left at his usual place of abode, may impose such fine upon the defaulter, not exceeding fifty rupees, as to the Coroner seems fit.

Fine on juror neglecting to attend.

The Coroner shall make out and sign a certificate, containing the name and surname, the residence and trade or calling of every person so making default, together with the amount of the fine so imposed, and the cause of such fine,

Certificate as to defaulting juror.

and shall send such certificate to one of the Magistrates of the place of which he is the Coroner,

and shall cause a copy of such certificate to be served upon the person so fined, by having it left at his usual place of residence, or by sending the same through the Post Office, addressed as aforesaid and registered.

Service of copy of certificate.

29. Thereupon such Magistrate shall cause the fine to be levied in the same manner as if it had been imposed by himself.

Levy of fine.

30. Unless in case of necessity, no person who has appeared as a juror on an inquest, or has been summoned to appear, and has not made default, shall, within one year after such appearance or the service of such summons, be summoned to appear as a juror under this Act.

Jurors not to be twice summoned within the year.

31. When an inquest is held on the body of a prisoner dying within a prison, no officer of the prison and no prisoner confined therein shall be a juror on such inquest.

Jurors on inquest on prisoner.

V.—Rights and Liabilities of Coroners.

32. Every Coroner shall be entitled to such salary for the performance of the duty of his office, as is prescribed in that behalf by the Governor General in Council.

Coroner's salary.

33. All disbursements duly made by a Coroner for fees to medical witnesses, hire of rooms for the jury and the like, shall be repaid to him by the Local Government.

Disbursements to be repaid.

34. Every Coroner may from time to time, with the previous sanction of the Local Government, appoint, by writing under his hand, a proper person to act for him as his deputy in the holding of inquests.

Power to appoint deputy.

All inquests taken and other acts done by any such deputy, under or by virtue of any such appointment, shall be deemed to be the acts of the Coroner appointing him:

Provided that no such deputy shall act for any such Coroner except during the illness of the said Coroner, or during his absence for any lawful and reasonable cause.

Every such appointment may at any time be cancelled and revoked by the Coroner by whom it was made.

Revocation of appointment.

35. No Coroner or Deputy Coroner shall be liable to serve as a juror.

Exemption from serving on juries.

36. Coroners and Deputy Coroners are privileged from arrest while engaged in the discharge of their official duty.

Privilege from arrest.

37. Any Coroner or Deputy Coroner failing to comply with the provisions of this Act, or otherwise misconducting himself in the execution of his office, shall be liable to such fine as the Chief Justice of the High Court, upon summary examination and proof of the failure or misconduct, thinks fit to impose.

Penalty for failure to comply with Act.

38. No proceeding for anything done under this Act, or for any failure to comply with its provisions, shall be commenced or prosecuted after the expiration of six months from such fact or failure, nor after tender of sufficient amends.

Limitation of suits.

FIRST SCHEDULE.

Number and year.	Title.	Extent of repeal.
33 Geo. III, cap. fifty-two...	An Act for continuing in the East India Company, for a further term, the possessions of the British territories in India, together with their exclusive trade, under certain limitations; for establishing further Regulations for the government of the said territories and the better administration of justice within the same; for appropriating to certain uses the revenues and profits of the said company; and for making provision for the good order and government of the towns of Calcutta, Madras and Bombay.	Section one hundred and fifty-seven.
9 Geo. IV, cap. seventy-four	An Act for improving the administration of criminal justice in the East Indies.	Sections five and six and (so far as it relates to Coroners) section fifty-one.
Act No. IV of 1848 ...	An Act for regulating Coroners' juries ...	The whole.
Act No. XLV of 1850 ...	An Act to declare the law as to the jurisdiction of Coroners.	The whole.

SECOND SCHEDULE.

Form of Inquisition.

An inquisition taken at on the day of , 187 , before E F, Coroner of on view of the body of A B then and there lying dead, upon the oath of G H, I J, K L and M N, then and there duly sworn and charged to inquire when, how, and by what means the said A B came to his death.

We, the said jurors, find unanimously [*or* by a majority of] that the death of the said A B was caused, on or about the day of 187 , by [*here state the cause of death as in the following examples*—

1. *Cases of homicide*]— a blow on the head with a stick inflicted on him by C D, under such circumstances that the act of C D was justifiable [*or* accidental] homicide.
   — a stab on the heart with a knife inflicted on him by C D, under such circumstances that the act of C D was culpable homicide not amounting to murder [*or* culpable homicide amounting to murder, *or* killing by a rash or negligent act.]
2. *Cases of accident*]— falling out of a boat into the river Hughli, whereby he was drowned.
   — a kick from a horse which fractured his skull and ruptured blood-vessels in his head.
3. *Cases of suicide*]— shooting himself through the head with a pistol.
   — arsenic, which he voluntarily administered to himself.
4. *Cases of sudden death by means unknown*]— disease of the heart.
   — apoplexy.
   — sunstroke.

And so say the jurors upon their oath aforesaid.

Witness our hands, E F, Coroner of ;
G H, I J, K L, M N, O P (jurors).

REPORT.

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations, to which the Bill to consolidate the laws relating to Coroners has been referred, have the honour to present this preliminary report.

The Bill, as introduced, was intended merely to consolidate the existing law contained in two Statutes and three Acts, and it provided, in the words of 33 Geo. III., cap. 52, sec. 157, that the Coroners should exercise the like jurisdictions as by law might be exercised by Coroners elected for counties in England. We have struck out this provision, which would have necessitated constant reference to English statutes and text-books, and we have in lieu thereof codified such part of the English law of Coroners as seemed adapted to the Presidency towns.

The amended Bill accordingly declares the Coroner's jurisdiction to enquire into deaths by accident, homicide or suicide, sudden deaths by means unknown, and deaths of prisoners in prison. It enables him to order a body to be disinterred. It provides for summoning juries, swearing the jurors, viewing the body, summoning witnesses, and *post-mortem* examinations.

It declares that the evidence shall be taken on oath, that witnesses unacquainted with English shall be examined through an interpreter, that questions suggested by the jury shall be put, and that the Coroner shall take down the material parts of the evidence. Power is given to adjourn the inquest. When the witnesses have been examined, the Coroner will sum up, and the jury will consider of their verdict. When the verdict is delivered, the Coroner will draw up an inquisition setting forth the matters specified in section 24, and in the form given in the second Schedule.

When the verdict amounts to murder, culpable homicide, or killing by a rash or negligent act (the last mentioned offence is about to be added to the Penal Code), the Coroner will bind by recognizance any person acquainted with the facts to appear at the next Sessions, and prosecute or give evidence. The Coroner will also certify the recognizances and deliver them with the inquisition and evidence to the Court in which the trial is to be. He may also issue his warrant for the apprehension of the accused.

The amended Bill (section 27) expressly abolishes the Coroner's jurisdiction as to treasure trove and wrecks, and declares that he shall not be liable to execute process.

The Coroner of Calcutta will, under the amended Bill, be appointed by the Lieutenant-Governor of Bengal, and not by the Governor General in Council.

As to Coroners' juries, we have provided (section 31) that when an inquest is held on the body of a prisoner, no officer of the prison and no prisoner confined therein shall be a juror. There is a similar provision in the Schedule to the English Prisons' Act (28 & 29 Vic. c. 126), clause 18.

As to a Coroner's rights, we have added three clauses (33, 35, 36), one providing for repaying his disbursements for fees to medical witnesses, hire of rooms for the jury, and the like; another exempting him from serving on juries, and a third privileging him from arrest while engaged in the discharge of his official duty.

We have omitted the clause corresponding with Act XII of 1867, section 12, as this will more fitly be placed in the Prisoners' Bill now before the Council.

We have omitted, as unnecessary, the elaborate specification of the informalities in case of which the inquisition may be amended by a Judge of the High Court. For variances between the statements in the inquisition and the evidence, Act XVIII of 1862 (sections 1 and 57) appears to provide sufficiently.

We recommend that the Bill thus amended should, before being passed, be published with this report in the *Gazette of India*, that it be sent to the Governments of Madras, Bombay and Bengal, and that the opinions of those Governments, of the High Courts at the Presidency towns of the Advocates General and of the Coroners be obtained on its provisions.

J. F. STEPHEN.

F. R. COCKERELL.

SIMLA;
The 17th September 1870.

WHITLEY STOKES,
Secretary to the Govt. of India.

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations:—

No. 24 OF 1870.

THE INDIAN REGISTRATION BILL, 1870.

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A Bill for the Registration of Assurances.

Whereas it is expedient to consolidate and amend the laws relating to the registration of assurances and other instruments; It is hereby enacted as follows:—

Preamble.

PART I.

Preliminary.

Short title.

1. This Act may be called "The Indian Registration Act, 1870:"

Local extent.

It extends to the whole of British India except the territories administered by the Chief Commissioner of Oudh;

[illegible]

Commencement.

And it shall come into force on the first day of January 1871.

Interpretation-clause.

2. In this Act, unless there be something repugnant in the subject or context,

"Assurance." "Assurance" includes any instrument not testamentary purporting to deal with any interest in, or charge upon, immoveable property:

"Lease." "Lease" includes a counterpart, a kabúliyat, an undertaking to cultivate or occupy, and an agreement to lease; but not a pattá or muchalká, as respectively defined in section three of Act No. VIII of 1865 of the Governor of Fort St. George in Council, executed in the Madras Presidency:

"Bond." "Bond" denotes any instrument by which one person (the obligor) binds himself absolutely or conditionally to pay money to another person (the obligee):

"Bill of exchange." "Bill of Exchange" includes a hundí:

"Signature." "Signed." "Signature" and "signed" include and apply to the affixing of a mark:

"Immoveable Property." "Immoveable Property" includes land, buildings, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops, nor grass:

"Moveable Property." "Moveable Property" includes standing timber, growing crops and grass, fruit upon and juice in trees, and property of every other description, except immoveable property:

"Book." "Book" includes a portion of a Book and also any number of sheets connected together with a view of forming a Book or portion of a Book:

"Endorsement." "Endorsed." "Endorsement" and "endorsed" include and apply to an entry in writing by a Registering Officer on a rider or covering slip to any document tendered for registration under this Act:

"Representative." "Representative" includes the guardian of an infant and the Committee or other legal curator of a lunatic or idiot:

"Addition." "Addition" means the place of residence, and the profession, trade, rank, title or caste (if any) of a person described, and, in the case of a Native, his father's name:

"District Court." "Civil Court." "District Court" includes the High Court in its ordinary original civil jurisdiction: "Civil Court" does not include a Court for the relief of insolvent debtors:

"General Registry Office." "General Registry Office" includes a Branch General Registry Office:

"District." "Sub-District." "District" and "Sub-District" respectively mean a District and Sub-District formed under this Act.

Enactments repealed.

3. Act No. XXII of 1864, sections ten and forty-five, Act No. XX of 1866, and Act No. XXVII of 1868 are hereby repealed.

All appointments, rules and orders made, and all offices established, under any of the said Acts shall be deemed to have been made and established under this Act, except in so far as such rules and orders may be inconsistent herewith.

References made in Acts passed before the first day of January 1871, to any enactment hereby repealed, shall be read as if made to this Act.

PART II.

Of the Registration Establishment.

General Registry Office.

4. The Local Government shall establish within the territories under such Government, at such place as it thinks fit, an office to be called the General Registry Office, and shall appoint an officer to the charge of such office, who shall be the Registrar General of the territories for which he is appointed.

Branch General Registry Office.

The Local Government may also, with the previous sanction of the Governor General of India in Council, establish a Branch General Registry Office, and appoint a Branch Registrar General; and every act done by or before any branch Registrar General so appointed, shall have the same effect as if done by or before a Registrar General:

provided that such branch Registrar General shall not exercise the power to frame rules hereinafter conferred on the Registrar General.

Any Registrar General or branch Registrar General may hold simultaneously any other office under Government.

Districts and Sub-Districts.

5. For the purposes of this Act, the Local Government shall form Districts and Sub-Districts, and shall prescribe and from time to time may alter the limits of such Districts and Sub-Districts.

A Sub-District may be conterminous with a District, or may be situate partly in one District and partly in another.

The Districts and Sub-Districts formed under this section, together with the limits thereof and every alteration of such limits, shall be notified by the Local Government in the official *Gazette* immediately after every such formation or alteration.

Every such alteration shall take effect on such day after the date of the notification as shall be mentioned therein.

Registry and Sub-Registry Offices.

6. The Local Government shall establish in every District an office to be styled the Registry Office, and in every Sub-District an office to be styled the Sub-Registry Office.

Registrars and Sub-Registrars.

7. The Local Government may appoint such persons, whether public officers or not, as it thinks proper, to be Registrars of the several Districts, and to be Sub-Registrars of the several Sub-Districts, formed as aforesaid, respectively.

Military Cantonments may be declared Sub-Districts.

8. The Local Government may declare any Military Cantonment to be a Sub-District for the purposes of this Act.

The Cantonment Magistrate of any Cantonment so declared to be a Sub-District shall be the Sub-Registrar thereof.

Whenever the Governor General in Council declares any Military Cantonment beyond the limits of British India to be a Sub-District for the purposes of this Act, he shall also declare what authorities shall be deemed to be Registrar of the District and Registrar General, respectively, with reference to such Cantonment and the Sub-Registrar thereof.

Deputy Registrar General.

9. During the absence on duty of the Registrar General, or branch Registrar General, from the place where the General Registry Office is established, he may appoint the Registrar of such place or, with the previous sanction of the Local Government, such other person as he thinks fit, to perform the duties of the Registrar General, except those mentioned in sections eighty and eighty-three.

A Registrar so appointed shall perform such duties in addition to his own duties as Registrar.

During such absence, the Registrar or other person so appointed as aforesaid, shall be styled the Deputy Registrar General or Deputy Branch Registrar General, as the case may be, and may use the seal of the Registrar General or Branch Registrar General, as the case may be.

Absence of a Registrar from his District or vacancy in his office.

10. In case of the absence from his District, or of a vacancy occurring in the office of any Registrar other than the Registrar of a District including a Presidency Town, any person whom the Registrar General appoints in this behalf, or, in default of such appointment, the Judge of the District Court, or, when there are more District Courts than one, the Judge of such of the said Courts as the Local Government appoints, shall, during such absence or vacancy, be the Registrar.

In case of the absence of the Registrar of a District including a Presidency Town, or of a vacancy occurring in the office of any such Registrar, the Registrar General may appoint any person whom he thinks proper to conduct the duties of such office.

Absence of Registrar from office on duty in his District.

11. In case of the absence of any Registrar from his office on duty in his District, he may appoint any Sub-Registrar in his District to perform, during such absence, all the duties of a Registrar, except those mentioned in sections seventy-nine and eighty-three.

Absence of Sub-Registrar or vacancy in his Office.

12. In case of the absence of any Sub-Registrar, or of a vacancy occurring in the office of any Sub-Registrar, any person whom the Registrar of the District appoints in this behalf shall, during such absence or vacancy, be Sub-Registrar.

Appointments under sections nine, ten, eleven or twelve to be reported to Local Government.

13. All appointments made under section nine, ten, eleven or twelve, shall be reported to the Local Government by the Registrar General or branch Registrar General, as the case may be.

Such report shall be either special or general, as the Local Government directs; and the Local Government may suspend, remove or dismiss any person appointed under the provisions of this Act, and appoint another person in his stead.

Suspension, removal and dismissal of Registering Officers.

Remuneration and establishments of Registering Officers.

14. The Local Government may, with the previous sanction of the Governor General of India in Council, assign such salaries as such Government from time to time deems proper, to the Registering Officers appointed under this Act, or provide for their remuneration by fees, or partly by fees, and partly by salaries.

The Local Government may also, with the like sanction, allow such establishments for the several Registration Offices as are necessary for the purposes of this Act.

Seals of Registering Officers.

15. The Registrar General, branch Registrar General, and the several Registrars and Sub-Registrars, shall use a seal bearing the following inscription in English and in such other language as the Local Government directs:—"The seal of

the Registrar General (*or* of the branch Registrar General, *or* of the Registrar, *or* of the Sub-Registrar) of ."

Register-Books.

16. The Local Government shall provide for the office of every Registering Officer the books necessary for the purposes of this Act.

Forms.

The books so provided shall contain the forms from time to time prescribed by the Registrar General, with the sanction of the Local Government, and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

Fire-proof boxes.

The Local Government shall supply the office of every Registrar with a fire-proof box.

PART III.

Of Registrable Documents.

Instruments of which the registration is compulsory.

17. The documents next hereinafter mentioned shall be registered, if the property to which they relate is situate in a District in which, and if they have been executed on or after the date on which, the said Act No. XVI of 1864, or Act No. XX of 1866, or this Act came or shall come into force (that is to say),—

(1) Instruments of gift of immoveable property:

(2) Assurances (other than an instrument of gift) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title, interest, or charge, whether vested or contingent, of the value of one hundred rupees and upwards, to, in or on immoveable property:

(3) Instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title, interest or charge:

(4) Leases of immoveable property from year to year, or for any term exceeding one year, or reserving a yearly rent:

Exception of composition-deeds;

The former part of this section does not apply to any composition-deed nor to any instrument relating to shares in a Joint Stock Company, notwithstanding that the assets of such Company consist in whole or in part of immoveable property, nor to any endorsement upon or transfer of any debenture issued by any such Company:

and of transfers of shares and debentures in Land Companies.

And, so far only as regards the territories respectively under the government of the Lieutenant-Governors of Bengal and the North-Western Provinces, the Local Government may, by order published in the official *Gazette*, exempt from the operation of the former part of this section any leases of immoveable property, executed in any particular District, or part of a District, the terms granted by which do not exceed two years and the annual rents reserved by which do not exceed fifty rupees.

(5) Authorities to adopt a son executed after this Act comes into force shall also be registered.

Documents of which the registration is optional.

18. Any of the documents next hereinafter mentioned may be registered under this Act (that is to say),—

(1) Assurances (other than an instrument of gift) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title, interest or charge, whether vested or contingent, of a value less than one hundred rupees to, in or on immoveable property:

(2) Instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title, interest or charge:

(3) Leases of immoveable property for any term not exceeding one year, and the pattás and muchalkás referred to in section two:

(4) Awards relating to immoveable property:

(5) Instruments which purport or operate to create, declare, assign, limit or extinguish any right, title, interest or charge to, in or on moveable property:

(6) Wills not purporting to confer an authority to adopt a son:

(7) Acknowledgments, Agreements, Appointments, Articles of Partnership, Assignments, Awards, Bills of Exchange, Bills of Sale, Bonds, Composition-deeds, Conditions of Sale, Contracts, Covenants, Grants, Instruments of Dissolution of Partnership, Instruments of Partition, Powers of Attorney, Promissory Notes, Releases, Settlements, Writings of Divorcement, and all other documents not hereinbefore mentioned.

Documents in language not understood by Registering Officer.

19. If any document duly presented for registration be in a language which the Registering Officer does not understand, and which is not commonly used in the District, he shall refuse to register the document, unless it be accompanied by a true translation into a language commonly used in the District and also by a true copy.

Documents containing interlineations, blanks, erasures or alterations.

20. The Registering Officer may in his discretion refuse to accept for registration any document in which any interlineation, blank, erasure or alteration appears, unless the persons executing the document attest with their signatures or initials such interlineation, blank, erasure or alteration; and the officer registering such document, at the time of registering the same, shall make a note in the register of such interlineation, blank, erasure or alteration.

Description of parcels.

21. *(a.)* No document not testamentary relating to immoveable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same.

(b.) Houses in towns shall be described as situate on the north or other side of the street or road (mentioning it) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered. Other houses and lands shall be described by their name, if any, and as being in the territorial division in which they are situate and by their superficial contents, the roads and other properties on which they abut, and their existing occupancies, and also, whenever it is practicable, by reference to a Government map or survey.

Documents containing maps or plans.

(c.) No document not testamentary containing a map or plan of any property comprised therein shall be accepted for registration unless it be accompanied by a true copy of the map or plan, or, in case such property is situate in several Sub-Districts, by such number of true copies of the map or plan as are equal to the number of such Sub-Districts, and, in case the property is also situate in several Districts, by such further number of true copies of the map or plan as is equal to the number of such Districts.

Failure to comply with rules as to description of houses and land.

22. Failure to comply with the provisions contained in clause *(b)* of section twenty-one shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify such property.

PART IV.

Of the Time of Presentation.

Time for registering instruments of which the registration is compulsory.

23. Subject to the provision contained in section twenty-five, no document of the kinds mentioned in section seventeen, clauses 1, 2, 3 and 4, shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution:

Provided that, where there are several persons executing it at different times, the instrument may be presented for registration and re-registration within four months from the date of each execution.

Time for registering documents of which the registration is optional.

24. Subject to the provision contained in section twenty-five, no document of any of the kinds mentioned in section eighteen (other than a will), shall be accepted for registration, unless presented for that purpose to the proper officer within two months from the date of its execution:

Provided that, where there are several persons executing it at different times, the document may be presented for registration and re-registration within two months from the date of each execution.

Explanation.—The date of execution of a document means the day on which it purports to have been executed.

Provision where delay in registering is unavoidable.

25. If owing to urgent necessity or unavoidable accident, any document is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registrar, in cases where the delay in presentation does not exceed four months, may direct that on payment as a penalty of a sum not exceeding twenty times the amount of the proper registration fee, such document shall be accepted for registration.

Any application for such direction may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

Provision for last day of period for presentation falling on holiday.

26. Whenever the last day of any period hereinbefore provided for the presentation of any document falls on a Sunday or other holiday declared as hereinafter mentioned, such last day shall, for the purposes of this Act, be deemed to be the day immediately following such Sunday or other holiday.

Wills and authorities to adopt may be presented or deposited at any time.

27. A will or an authority to adopt a son may at any time be presented for registration or deposited in manner hereinafter provided.

Saving of time prescribed by Statute for registration.

28. Nothing in this Act shall alter the time within which any certificate or other document must be registered under the provisions of any Act of the Parliament of the United Kingdom of Great Britain and Ireland.

PART V.

Of the Place of Registration.

Place for registering instruments relating to immoveables.

29. Save as in this Part otherwise provided, every document mentioned in section seventeen, clauses 1, 2, 3 and 4, and section eighteen, clauses 1, 2, 3 and 4, shall be presented for registration in the office of a Sub-Registrar within whose Sub-District the whole or some portion of the property to which such document relates is situate.

Place for registering other instruments.

30. Every document other than a document referred to in section twenty-nine, may be presented for registration in the office of the Sub-Registrar in whose Sub-District the document was executed, or in the office of any Sub-Registrar under the Local Government at which all the persons executing and claiming under the document desire the same to be registered.

Registration by Registrar General of documents referred to in section 29.

31. The Registrar General may in his discretion receive and register any document referred to in section twenty-nine, without regard to the situation in any part of British India of the property to which the document relates.

Registration by Registrar.

32. Any Registrar may in his discretion receive and register any document which might be registered by any Sub-Registrar subordinate to him.

The Registrar of a District shall be deemed to be a Sub-Registrar within the meaning of this Act for such portion of his District (if any) as shall not have been formed into a Sub-District.

Registration or acceptance for deposit at private residence.

33. In ordinary cases the registration or deposit of documents under this Act shall be made only at the public office of the officer whose duty it shall be to register the same; but any such officer may on special cause being shown attend at the residence of any person intending to register any document, or of any person desiring

to deposit a will or authority to adopt a son, and register or accept for registration or deposit such document, will or authority.

Every Sub-Registrar so attending shall within twenty-four hours report to the Registrar to whom he is subordinate the fact of the attendance and his reason therefor.

PART VI.

Of the Presentation of Instruments for Registration.

34. Subject to the provisions of section thirty-three, every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper Registration Office,

Persons to present documents for registration.

by some person executing or claiming under the same,

or by the representative or assign of such person,

or by the agent of such person, representative or assign, duly authorized by power of attorney executed and authenticated in manner hereinafter mentioned.

35. For the purposes of section thirty-four, the powers of attorney next hereinafter mentioned shall alone be recognized (that is to say),—

Powers of attorney recognizable for purposes of section 34.

(a) if the principal at the time of executing the power of attorney resides in any part of British India other than Oude, a power of attorney executed before and authenticated by the Registrar or Sub-Registrar within whose District or Sub-District the principal resides:

(b) if the principal at the time aforesaid resides in Oude, a power of attorney executed before and authenticated by the Deputy Commissioner within the local limits of whose jurisdiction the principal resides:

(c) if the principal at the time aforesaid does not reside in British India, a power of attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India:

Any power of attorney mentioned in this section may be proved by the production of it without further proof, when it purports on the face of it to have been executed before and authenticated by the person or court hereinbefore mentioned in that behalf:

Provided that the following persons shall not be required to attend at the office of the Registrar or Sub-Registrar, or in the Court of the Judge, for the purpose of executing any such power of attorney as is mentioned in clauses *(a)* and *(b)* of this section:—

Proviso as to persons infirm, or in jail, or exempt from appearing in Court.

persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend;

persons who are in jail under civil or criminal process; and

persons exempt by law from personal appearance in Court.

In every such case the Registrar or Sub-Registrar or Judge (as the case may be), if satisfied that the power of attorney has been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at the office or court aforesaid.

To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Judge may either himself go to the house of the person purporting to be the principal, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

36. Subject to the provisions contained in this section and in sections seventy-six, eighty, eighty-four and eighty-nine, no document shall be registered under this Act, unless the persons executing such document, or their representatives, assigns or agents authorized as aforesaid, appear before the registering officer within the time allowed for presentation.

Enquiry before registration by the registering officer.

Such appearances may be simultaneous or at different times.

The registering officer shall thereupon enquire whether or not such document was executed by the persons by whom it purports to have been executed, and, in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the persons they represent themselves to be, and if they all admit the execution of the document;

or, in the case of any person appearing by a representative, assign or agent, if such representative, assign or agent admits the execution;

or, if the person executing the document is dead, and his representative, assign or agent does not appear before the registering officer, but such officer is nevertheless satisfied of the fact of execution,

the registering officer shall register the document as directed in section sixty-eight.

The registering officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine any one, whether summoned or not under section thirty-seven, present in his office.

If all or any of the persons by whom the document purports to be executed deny its execution, or if any such person appears to be a minor, an idiot, or a lunatic, the registering officer shall refuse to register the document.

PART VII.

Of the enforcement of attendance of executants and witnesses.

37. If any person presenting any document for registration desires the attendance of any person whose presence or testimony is necessary for the registration of such document, the registering officer may, in his discretion, call upon such revenue or civil court as the Local Government directs in this behalf to issue and serve a summons requiring him to attend at the registry office, either in person or by duly authorised agent, as in the summons may be mentioned and at a time named therein.

Procedure where attendance of executant or witness is desired.

38. The Court, upon receipt of the peon's fee payable in such cases, shall issue the summons accordingly, and cause it to be served upon the person whose attendance is so required.

Revenue officer to issue and cause service of summons.

39. A person who by reason of bodily infirmity is unable without risk or serious inconvenience to attend at the registry office,

Persons exempt from attendance at registry office.

a person in jail under civil or criminal process,

and persons exempt by law from personal appearance in court, and who would but for the provision next hereinafter contained be required to attend in person at the registry office,

shall not be required so to attend.

In every such case, the registering officer shall either himself go to the house of such person, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

40. The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before civil courts, shall, save as aforesaid and *mutatis mutandis*, apply to any summons or commission, issued, and any person summoned to appear under the provisions of this Act.

Law as to summonses, commissions and witnesses in this Act.

PART VIII.

Of registering memoranda of decrees and orders affecting immoveable property.

41. When any civil or revenue court by a decree or order declares any document relating to immoveable property, which has been registered under this Act or any Act hereby repealed, to be invalid,

Memorandum of decree affecting registered document relating to immoveable property.

or when any civil or revenue court passes a decree or order affecting any such document, and such last-mentioned decree or order creates, declares, transfers, limits or extinguishes any right, title, interest or charge of the value of one hundred rupees and upwards under such document to, in or on the immoveable property to which it relates,

the Court, on the application of the party in whose favour the decree or order is made, shall cause a memorandum thereof to be prepared, and the Judge or presiding officer shall sign such memorandum and deliver it to the said party,

and the said party shall, within four months from the date of the decree or order, present or send such memorandum, together with the fee payable for registering the same, to the Registrar within whose District the document was originally registered.

Every such memorandum shall be in the form set forth in the first part of the first schedule hereto annexed.

42. When any civil or revenue court by a decree or order creates, declares, transfers, limits or extinguishes any right, title, interest or charge, of the value of one hundred rupees or upwards, of any person to, in or on any immoveable property situate in any part of British India except Oudh,

Memorandum of decree affecting immoveable property.

the presiding officer of the Court, on the application of the party in whose favour the decree or order is made, shall prepare and sign and deliver to him a memorandum thereof,

and the said party shall, within four months from the date of the decree or order, present or send such memorandum, together with the fee payable for registering the same, to the Registrar, or to every Registrar, within whose District the whole or any part of such immoveable property is situate.

Every such memorandum shall, so far as may be practicable, describe the property in manner required by section twenty-one, and shall be in the form set forth in the second part of the first Schedule hereto annexed.

43. When any decree or order mentioned in section forty-one or section forty-two is made in favour of more parties than one, the said application may be made by any one of such parties, and the Court shall deliver the memorandum to him.

Decrees in favour of several parties.

No decree or order mentioned in section forty-one or section forty-two shall be of any force, unless and until a memorandum thereof has been registered in manner provided by this Act.

Decrees mentioned in section 41 or section 42, not to be of any force until memoranda registered.

PART IX.

Of the Presentation and Deposit of Wills and Authorities to adopt.

44. The testator or any person claiming as executor or otherwise under a will, may present to any Sub-Registrar for registration such will,

Persons entitled to present for registration wills and authorities to adopt.

and the donor or donee of any authority to adopt, or the adoptive son, may present to any Sub-Registrar for registration such authority.

Any person entitled to present for registration any such will or authority may, either personally or by a duly authorized agent, present to a Sub-Registrar such will or authority open, and any testator or donor of such authority may either personally or by duly authorized agent deposit with any Sub-Registrar the will or authority in a sealed cover superscribed with the name of the depositor and the nature of the document.

Presentation or deposit of wills and authorities to adopt.

45. If the depositor of any such sealed cover wishes to withdraw the same, he may apply to the Registrar to whom such cover shall have been sent under section seventy-four that the cover be delivered to him; and the Registrar, if satisfied as to the identity of the depositor with the applicant, shall deliver the cover accordingly.

Withdrawal of sealed cover deposited under section 44.

46. If on the death of the depositor of a sealed cover under section forty-four, application be made to the Registrar to whom such cover shall have been so sent to open the same, the

Proceedings on death of depositor.

Registrar, if satisfied that the depositor is dead, shall, in the applicant's presence, open the cover, and copy at the applicant's expense the contents thereof in his Book No. 4.

When such copy has been made, the Registrar shall re-deposit the original will or authority.

Re-deposit.

PART X.

Of the effects of Registration and Non-Registration.

47. A registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration.

Time from which registered document operates.

48. All documents, not testamentary, duly registered under this Act and relating to any immoveable property, shall take effect against any oral agreement or declaration relating to such property, whether possession thereof has or has not been delivered.

Registered documents relating to land to take effect against oral agreements.

49. All documents, not testamentary, duly registered under this Act, and relating to any moveable property, shall take effect against any oral agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession.

Registered documents relating to moveables when to take effect against oral agreements.

50. No instrument required by section seventeen to be registered, and no part of any such instrument, shall be received in evidence for any purpose whatever in any civil proceeding in any court,

Effect of non-registration of documents required to be registered.

or shall be acted on by any public servant as defined in the Indian Penal Code,

or shall affect any property comprised therein,

unless the instrument has been registered in accordance with the provisions of this Act.

Illustration 1.—A executes a bond for one thousand rupees and, by the same document, mortgages certain land worth more than one hundred rupees by way of collateral security for the re-payment of the one thousand rupees. The document is not receivable in evidence for the purpose of enforcing against A personally the re-payment of the money secured thereby.

Illustration 2.—A executes a conveyance of land worth more than one hundred rupees. The conveyance recites the receipt of the purchase-money. The recital cannot be received in evidence except in a criminal proceeding.

51. Every instrument of the kinds mentioned in clauses 1, 2 and 3 of section eighteen, shall, if duly registered, take effect as regards the property comprised therein, against every unregistered instrument executed after this Act comes into force and relating to the same property, whether such other instrument be of the same nature as the registered instrument or not.

Registered instruments relating to immoveables, of which the registration is optional, to take effect against unregistered instruments.

Special Registration of Bonds, Bills of Exchange, and Promissory Notes.

52. Whenever the obligor and obligee of a bond,

or the drawer, acceptor, or an indorser and the payee or an indorsee of a bill of exchange,

or the maker or an indorser and the payee or an indorsee of a promissory note,

agree that, in the event of the obligation resulting from the bond, bill or note not being duly satisfied, the amount secured thereby may be recovered in a summary way, and, at the time of registering the bond, bill or note, apply to the registering officer to record the said agreement, the registering officer, after making such enquiries as he thinks proper, shall record such agreement at the foot of the endorsement and certificate required by sections sixty-six and sixty-eight,

and such record shall be signed by him and by the obligor, drawer, acceptor, maker or indorser, or by some person expressly authorised in this behalf by a power of attorney from such obligor, drawer, acceptor, maker or indorser,

and shall be copied into the Register Book No. 1 or No. 6, as the case may be,

and shall be *primâ facie* evidence of the said agreement.

Record of agreement that amount secured by a bond may be recovered summarily.

53. Within one year from the date on which the amount becomes payable,

or, where the amount is payable by instalments, within one year from the date on which any instalment becomes payable,

the said obligee, payee or indorsee may present a petition to any court which would have had jurisdiction to try a regular suit on such bond, bill or note for the amount secured thereby, or for the instalment sought to be recovered.

The petition may be amended by permission of the court, and the statements in the petition shall be verified by the petitioner in manner required by law for the verification of plaints.

Enforcement of such agreement.

Amendment and verification of petition.

On production in court of the bond, bill or note and of the said record signed as aforesaid, the petitioner shall be entitled to a decree for any sum not exceeding the sum mentioned in the petition together with interest at the rate specified (if any) to the date of the decree, and a sum for costs to be fixed by the court.

Such decree may be enforced forthwith against the obligor, drawer, acceptor, maker or indorser signing as aforesaid, under the provisions for the enforcement of decrees contained in the Code of Civil Procedure.

Decree.

54. In any proceedings under this Part of this Act, the court may order the bond, bill, or note sought to be proceeded upon to be forthwith deposited with an officer of the court, and may further order that all proceedings be stayed until the petitioner has given security for costs thereof.

Power to order bond to be deposited in Court.

55. After decree, the court may under special circumstances set aside the decree, and if necessary stay or set aside execution; but there shall be no appeal against any decree or order made under section fifty-three, section fifty-four, or this section.

Court may, under special circumstances, set aside decree.

PART XI.

Of the duties and powers of Registering Officers.

(A.) As to the Register Books and Indexes.

56. The following Books shall be kept in the several offices hereinafter named (that is to say),—

Register Books to be kept in the several offices.

In all Registry Offices—

Book 1, "Register of instruments relating to immoveable property;"

Book 2, "Record of reasons for refusal to register:"

In the Offices of Sub-Registrars—

Book 3, "Register of deposits of wills and authorities to adopt;" and

In the Offices of Registrars and of Sub-Registrars—

Book 4, "Register of wills and authorities to adopt;"

Book 5, "Register of Decrees and Orders;"

Book 6, "Miscellaneous Register."

In Book 1 shall be entered all documents registered under section seventeen and the first four clauses of section eighteen, and all other documents mentioned in section eighteen, clause 7, which relate to immoveable property.

In Book 5 shall be filed all memoranda of decrees and orders sent under section forty-two.

In Book 6 shall be entered all documents registered under clauses 5 and 7 of section eighteen, and not entered in Book 1 or in Book 5.

57. The day, hour and place of presentation, and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting the same; a receipt for such document shall be given by the registering officer to the person presenting the same; and, subject to the provisions contained in section seventy, every document admitted to registration shall without unnecessary delay be copied in the Book appropriated therefor according to the order of its presentation.

Documents to be copied according to order of presentation.

58. All entries in each book shall be numbered in a consecutive series which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

Entries to be numbered consecutively.

59. In every office in which any of the books next hereinafter mentioned are kept, there shall be prepared current indexes of the contents of such books; and every entry in such indexes shall be made, so far as practicable, in alphabetical order and immediately after the document to which it relates has been copied by or by order of the registering officer.

Current indexes and entries therein.

60. Two such indexes shall be made in all registry offices, and shall be named, respectively, Index No. I. and Index No. II.

Indexes to be made by registering officers.

Index No. I. shall contain the names and additions of all persons executing and of all persons claiming under every document copied into Books Nos. 1, 3 or 4, and the name of the first plaintiff and first defendant in the suit in the case of all memoranda filed in Book No. 5.

Index No. II. shall contain such particulars mentioned in section twenty-one, relating to every such document, as the Registrar General from time to time directs in that behalf.

A third index to be called Index No. III. shall be made by Registrars and Sub-Registrars, and shall contain the names and additions of all persons executing and of all persons claiming under every document copied into Book No. 6.

Indexes Nos. I., II. and III. shall also contain such other particulars, and shall be prepared in such form, as the Registrar General from time to time directs.

Extra particulars in indexes.

61. Every Sub-Registrar shall send to the Registrar to whom he is subordinate, at such intervals not exceeding one month as the Registrar General from time to time directs, two copies of all entries made by such Sub-Registrar during the last of such intervals in Indexes Nos. I. and II.

Two copies of entries in Indexes Nos. I. and II. to be sent by Sub-Registrar to Registrar.

62. Every Registrar receiving such two copies shall in every month file one of such copies in his Indexes Nos. I. and II., respectively; and, at such intervals as the Registrar General from time to time directs, shall send the other of such copies to the general registry office.

One of each pair of copies received by Registrar from Sub-Registrar to be filed in Registrar's indexes, and the other to be sent to general registry office.

Every Registrar shall also send to the general registry office a copy of all the entries which he shall have made in his Indexes Nos. I. and II., respectively, during the last of such intervals.

Copy of entries in Registrar's indexes.

63. On the receipt in the general registry office of the copies so sent by the Registrar, they shall be filed in the Indexes Nos. I. and II., respectively, kept in such office.

Copies sent by Registrar to be filed in indexes of general registry office.

64. If the Registrar General so directs, an alphabetical index shall be prepared in every registration office at the end of each year of all entries made during the past year in the current indexes in such office; and in every

Annual alphabetical index to entries in indexes.

office in which Book No. 2 is kept, an alphabetical index shall be prepared at the end of each year to the entries made in such book during the past year.

Registering officers to allow inspection of certain books and indexes, and to give certified copies of entries.

65. Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1, 2 and 5 and the indexes relating to such books shall be at all times open to inspection by any person applying to inspect the same; and subject to the provisions of section seventy, copies of entries in such books shall be given to all persons applying for such copies.

Subject to the same provisions, copies of entries in Books Nos. 3, 4 and 6 and in the indexes relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer; but the requisite search for such entries shall be made only by the registering officer.

Such copies shall be signed and sealed by the registering officer, and shall be *primâ facie* evidence of the contents of the original documents.

(B.)—As to the procedure on admitting to registration.

Particulars to be endorsed on documents admitted to registration.

66. On every document admitted to registration, there shall be endorsed from time to time the following particulars (that is to say),—

(1) the signature and addition of every person admitting the execution of the document; and, if such execution has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent;

(2) the signature and addition of every person examined in reference to such document under any of the provisions of this Act; and

(3) any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution.

If any person admitting the execution of a document declines to endorse the same, the registering officer shall refuse to register it.

Such endorsements to be dated and signed by registering officer.

67. The registering officer shall affix the date and his signature to all endorsements mentioned in the last preceding section, relating to the same document and made in his presence on the same day.

Certificate showing that document has been registered, and number and page of Book in which it has been copied.

68. After such of the provisions of sections thirty-six, sixty-six, and sixty-seven as apply to the case have been complied with, the registering officer shall endorse on the document a certificate containing the word "registered," together with the number and page of the Book in which the document has been copied.

Such certificate shall be signed, sealed and dated by the registering officer and shall then be *primâ facie* evidence that the document has been duly registered in manner provided by this Act, and that the facts mentioned in the endorsements referred to in section sixty-seven have occurred as therein mentioned.

Endorsements and certificate to be copied.

69. The endorsements and certificate mentioned in sections sixty-seven and sixty-eight shall thereupon be copied into the margin of the Register Book, and the copy of the map or plan (if any) mentioned in section twenty-one shall be filed in Book No. 1.

Document to be returned.

The registration of the document shall thereupon be deemed complete, and the document shall then be returned to the person who presented the same for registration, or to such other person (if any) as he has nominated in writing in that behalf on the receipt mentioned in section fifty-seven.

Procedure on presentation of a document in a language unknown to the registering officer.

70. When a document is presented for registration under section nineteen, the translation shall be transcribed in the register of instruments of the nature of the original, and, together with the copy referred to in section nineteen, shall be filed in the registry office.

The endorsements and certificate respectively mentioned in sections sixty-seven and sixty-eight shall be made on the original, and for the purpose of making the other copies required by sections seventy-two, seventy-three, seventy-four, and seventy-eight, the translation shall be treated as if it were the original.

Power to administer oaths.

71. Every registering officer may at his discretion administer an oath to any person examined by him under the provisions of this Act.

Record of substance of statements.

He may also at his discretion record a note of the substance of the statement made by each such person, and such statement shall be read over, or (if made in a language with which such person is not acquainted) interpreted to him in a language with which he is acquainted, and if he admits the correctness of such note, it shall be signed by the registering officer.

Every such note so signed shall be admissible as *primâ facie* evidence of the facts therein stated.

(C.)—Special duties of Sub-Registrar.

Procedure on Sub-Registrar's registration of document relating to immoveable property situate in several Sub-Districts.

72. Every Sub-Registrar on registering a document relating to immoveable property which is not wholly situate in his own Sub-District, shall forward a copy thereof and of the endorsement and certificate thereon, and of the map or plan (if any) mentioned in section twenty-one, to every other Sub-Registrar subordinate to the same Registrar as himself in whose Sub-District any part of such property is situate, and every such Sub-Registrar shall file such copies in his Book No. 1.

Procedure on Sub-Registrar's registration of document relating to immoveable property situate in several Districts.

73. Every Sub-Registrar on registering a document relating to immoveable property situate in more Districts than one, shall also forward a copy thereof and of the endorsement and certificate thereon, together with such number of copies of the map or plan (if any) mentioned in section twenty-one as may be necessary, to the Registrar of every District in which any part of such property is situate other than the District in which his own Sub-District is situate.

The Registrar on receiving the same shall enter in his Book No. 1 the copy of the document and one of the copies of the map or plan (if any), and shall forward a copy of the document together with a copy of the map or plan (if any) to each of the Sub-Registrars subordinate to him within whose Sub-District any part of such property is situate; and every Sub-Registrar receiving such copies shall file the same in his Book No. 1.

Registration of wills and authorities to adopt.

74. A will and an authority to adopt, presented for registration by the testator or donor, may be registered in the same manner as any other document.

A will or authority to adopt presented for registration by any person entitled to present the same, other than the testator or donor, shall be registered if the Sub-Registrar is satisfied

(1) that the will or authority was executed by the testator or donor, as the case may be,

(2) that the testator or donor is dead, and

(3) that the person presenting the will or authority is, under section forty-four, entitled to present the same.

Procedure on deposit of wills or authorities to adopt.

75. On receiving for deposit a sealed cover under section forty-four, the Sub-Registrar, if satisfied that the depositor is the testator or donor, as the case may be, or his duly authorized agent, shall transcribe in his Register Book No. 3 the superscription on such sealed cover, and note in the register and on the sealed cover the year, month, day and hour of such presentation and receipt, together with the name of the depositor, and the name of each of the persons testifying to the identity of such depositor, and the inscription so far as it is legible on the seal of the cover.

The Sub-Registrar shall then send the cover to the Registrar to whom he is subordinate, and the Registrar shall, on receipt thereof, retain the sealed cover in his fire-proof box.

Saving of Act X of 1865, section 259.

Nothing in this section or in section forty-six shall be deemed to affect the provisions of the Indian Succession Act, section two hundred and fifty-nine, or the power of any Court by order to compel the production of any will for the purposes of granting probate or letters of administration with the will annexed. But whenever any such order is made, the Registrar shall copy the will in his Book No. 4 and make a note on such copy that the original has been removed into court in pursuance of the order aforesaid.

(D.)—Special duties of Registrar.

Procedure on registering instruments under section 32.

76. On registering any instrument not testamentary relating to immoveable property under section thirty-two, the Registrar shall forward a copy of such instrument, together with a copy of the map or plan (if any) mentioned in section twenty-one, to each Sub-Registrar subordinate to himself in whose Sub-District any part of such property is situate.

He shall also forward a copy of such instrument, together with such number of copies of the map or plan if (any) mentioned in section twenty-one, as may be necessary, to any other Registrar in whose District any part of such property is situate.

Every Sub-Registrar and Registrar, on receiving any such copy or copies, shall follow the procedure prescribed for them, respectively, in section seventy-three.

Procedure on receipt of memorandum under section forty-one.

77. Every memorandum received under section forty-one shall be copied in the margin of the part of the book in which the document affected by such memorandum is registered; and for this purpose the Registrar shall send a copy of such memorandum to every Sub-Registrar in his District in whose office the said document is registered, who shall copy such memorandum in the margin of the copy of the document registered in his office.

When any such memorandum relates to immoveable property situate in more Districts than one, the Registrar receiving the same shall also send a copy thereof to every other Registrar within whose District any part of such property is situate, who shall on receiving such copy follow the procedure prescribed for a Registrar in the first clause of this section.

Procedure on receipt of memorandum under section 42.

Every memorandum received by a Registrar under section forty-two shall be filed by him in his Register Book No. 5, and he shall then send a copy thereof to every Sub-Registrar subordinate to himself in whose Sub-District any part of such property is situate, and every such Sub-Registrar shall file it in his Register Book No. 5.

(E.)—Of the Registrar General.

Procedure on registration in general registry office.

78. On any instrument being registered in the general registry office under section thirty-one, a copy of such instrument and of the endorsements and certificate thereon shall be forwarded to every Registrar within whose District any part of the property to which the instrument relates is situate.

The Registrar receiving such copy shall follow the procedure prescribed for him in section seventy-three.

(F.)—Of the controlling powers of Registrars and Registrars General.

Registrar to superintend and controul Sub-Registrars.

79. Every Sub-Registrar shall perform the duties of his office under the superintendence and controul of the Registrar in whose District the office of such Sub-Registrar is situate.

Every Registrar shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act which he considers necessary in respect of any act or omission of any Sub-Registrar subordinate to him, or in respect

of the rectification of any error regarding the Book or the office in which any document shall have been registered.

80. The Registrar General shall exercise a general superintendence over all the registry offices in the territories under the Local Government, and shall have power from time to time to frame rules consistent with this Act—

Powers of Registrar General.

Power to frame rules.

providing for the safe custody of books, papers and documents, and also for the destruction of such books, papers and documents as need no longer be kept;

declaring the languages in which and the materials on, in and with which documents presented for registration are to be written or printed, the size of such documents and the extent of blank space to be left thereon;

declaring what territorial divisions shall be recognized under section twenty-one;

regulating the amount of penalties imposed under section twenty-four;

regulating the exercise of the discretion reposed in the registering officer by sections fifty-two and seventy-one;

declaring the particulars to be contained in Indexes Nos. I, II and III, respectively;

declaring the holidays that shall be observed in the registry offices;

and, generally, regulating the proceedings of the Registrars and Sub-Registrars under him.

The rules so framed shall be submitted to the Local Government for approval, and, after they have been approved, they shall be published in the official *Gazette*, and shall then have the same force as if they were inserted in this Act.

81. No order shall be made to cancel the registration of any document under this Act, or under any Act hereby repealed.

No order to cancel registration.

PART XII.

Of refusal to register.

82. Every registering officer refusing to register a document,

unless because he has a discretion to refuse to accept it for registration, or unless because the property to which it relates is not situate within his District or Sub-District,

Reasons for refusal to register to be recorded by Registrar or Sub-Registrar.

shall make an order of refusal and record his reasons for such order in his Book No. 2, and endorse the words "registration refused" on the document; and on application made by any person executing or claiming under the document, and on his furnishing a stamped paper of the value of eight annas, shall without unnecessary delay give him a copy of the reasons so recorded.

No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

83. An appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate if presented to such Registrar within thirty days from the date of the order, and the Registrar may reverse or alter such order:

Registrar may alter or revise orders of Sub-Registrar refusing registration.

Provided that, whenever the Registrar has himself as Sub-Registrar passed the order appealed against, the appeal shall lie to the Registrar General.

Any Registrar or Registrar General refusing to direct the registration of any document shall make an order of refusal and record the reasons for such order in his Book No. 2, and on application made by any person executing or claiming under the document, and on his furnishing a stamped paper of the value of eight annas, shall, without unnecessary delay, give him a copy of the reasons so recorded.

84. If a Registrar or Registrar General makes under section eighty-two an order of refusal to register any document referred to in section twenty-nine,

or if he has made a like order under section eighty-three of Act No. XX of 1866,

Procedure where Registrar or Registrar General refuses to register or direct registration of documents falling under section 17 or section 18, clauses 1, 2, 3 and 4.

or if on appeal under section eighty-three he makes an order of refusal to direct the registration of such document,

any person claiming thereunder, or his representative, assign or agent authorized as aforesaid, may, within thirty days after the making of the order of refusal, apply by petition to the District Court, in order to establish his right to have the document registered.

85. The petition shall be in the form contained in the second Schedule to this Act, or as near thereto as circumstances permit, and shall be accompanied by copies of the reasons recorded under sections eighty-two and eighty-three; and the statements in the petition shall be verified by the petitioner in manner required by law for the verification of plaints, and the petition may be amended by permission of the Court.

Petition.

To be verified.

The document shall be admissible in evidence on the presentation and hearing of the petition, anything hereinbefore contained to the contrary notwithstanding.

Document admissible in evidence.

86. The Court shall fix a day for the hearing of the petition not less than two days after the service next hereinafter mentioned, and shall direct a copy of the petition, with a notice at the foot thereof of the day so fixed, to be served on the registering officer and on such other persons (if any) as the court thinks fit; and the provisions of the Code of Civil Procedure as to the service and endorsement of summonses shall apply, *mutatis mutandis*, to copies of petitions under this section.

Court to fix day for hearing petition, and copy thereof to be served.

87. On the day so fixed as aforesaid, the Court may summon and enforce the attendance of witnesses and compel them to give evidence,

Court may order document to be registered.

and if it finds that the document has been executed, and that the requirements of the law for the time being in force have been complied with on the part of the petitioner so as to entitle the document to registration, the court, unless satisfied that the order next hereinafter mentioned would work injustice, shall order such Registrar or Registrar General to register the document, or to direct its registration in the proper manner,

and he shall thereupon obey such order, and shall, so far as may be practicable, follow the procedure prescribed in sections sixty-six, sixty-seven and sixty-eight.

If the document be duly presented for registration within thirty days after the making of such order, the registration pursuant thereto shall take effect as if the document has been registered when it was duly presented for registration to the officer so refusing as aforesaid:

Provided that when the officer presiding over the District Court has himself as registering officer made any order complained of under this section, the petition shall, within sixty days after the making of such order, be presented to the High Court, and the provisions contained in the former part of this section shall, *mutatis mutandis*, apply to such petition and the order (if any) thereon.

Provision for case in which the Judge is the registering officer.

No appeal lies from any order made under this section.

PART XIII.

Of the fees for registration, searches and copies.

88. Subject to the approval of the Governor General in Council, the Local Government shall prepare a table of fees payable—

Fees for registration, searches and copies to be fixed by Local Government.

for the registration of documents:

for searching the registers:

for making or granting copies of reasons, entries or documents, before, on or after registration;

And of extra or additional fees payable—

for every registration by a Registrar General under section thirty-one, or by a Registrar under section thirty-two:

for special registration under section fifty-two:

for the issue of commissions:

for filing translations:

for attending at private residences:

and for such other matters as appear to the Local Government necessary to effect the purposes of this Act.

The Local Government may from time to time, subject to the like approval, alter such table.

Table of fees.

A table of the fees so payable shall be published in the official *Gazette*, and a copy thereof in English and the Vernacular language of the District shall be exposed to public view in every registration office.

89. All fees for the registration of documents under this Act shall be payable on presentation, and all fees received under the provisions of this Act (not being fees payable under section fourteen to officers who are paid wholly or in part by fees), and all penalties received under section twenty-four, shall be remitted to the treasury of the District or Sub-District, or to such other treasury as the Local Government from time to time directs, and shall be credited to Government.

Fees and penalties to be credited to Government.

PART XIV.

Penalties.

90. Every registering officer appointed under this Act and every person employed in his office for the purposes of this Act, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited under the provisions of this Act, endorses, copies, translates or registers such document in a manner which he knows or believes to be incorrect, intending thereby to cause, or knowing it to be likely that he may thereby cause injury, as defined in the Indian Penal Code to any person, shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

Penalty for incorrectly copying, endorsing, translating or registering documents with intent to injure.

91. Whoever intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or enquiry under this Act shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

Penalty for making false statements before registering officer.

92. Whoever intentionally delivers to a registering officer in any proceeding under section nineteen or twenty-one a false copy or translation of a document, or a false copy of a map or plan, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Penalty for delivering false copy or translation.

93. Whoever falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding under this Act, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Penalty for false personation.

94. Whoever abets within the meaning of the Indian Penal Code anything made punishable by this Act, shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

Penalty for abetment of offences under this Act.

95. A prosecution for any offence under this Act coming to the knowledge of a registering officer in his official capacity may be instituted by the Registrar General,

Registering officer may institute prosecutions.

the Branch Registrar General, the Registrar or the Sub-Registrar, in whose territories, District or Sub-District, as the case may be, the offence has been committed.

All prosecutions under this Act shall be instituted and carried out before a person exercising the powers of a Magistrate or Subordinate Magistrate of the first class; and all fines imposed under this Act may be recovered in the manner prescribed in section sixty-one of the Code of Criminal Procedure.

Registering officers to be deemed public servants.

96. Every registering officer appointed under this Act shall be deemed a public servant within the meaning of the Indian Penal Code.

Every person shall be legally bound to furnish information to such registering officer when required by him to do so. And in section two hundred and twenty-eight of the said Code, the words "judicial proceeding" shall include any proceeding under this Act.

PART XV.

Miscellaneous.

Registering officer not to be liable for anything *bonâ fide* done or refused in his official capacity.

97. No registering officer shall be liable to any suit, claim or demand by reason of anything in good faith done or refused in his official capacity.

Nothing done by registering officer to be invalidated by defect in his appointment or procedure.

98. Nothing done in good faith pursuant to this Act, or any Act hereby repealed, by any registering officer, shall be deemed invalid merely by reason of any defect in his appointment or procedure.

Registration of instruments executed by Government officers or certain public functionaries.

99. Notwithstanding anything herein contained, it shall not be necessary for any officer of Government, or for the Administrator General of Bengal, Madras or Bombay, or for any Official Trustee, or for the Sheriff, Receiver or Registrar of a High Court, to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him in his official capacity, or to sign as provided in section sixty-six:

But when any instrument is so executed, the registering officer to whom such instrument is presented for registration may, if he think fit, refer to any Secretary of Government or to such officer of Government, Administrator General, Official Trustee, Sheriff, Receiver or Registrar, as the case may be, for information respecting the same, and, on being satisfied of the execution thereof, shall register the instrument.

Time for registering documents executed in Burma and Coorg before 1st January 1871.

100. Notwithstanding anything herein contained, every document of the kinds mentioned in sections seventeen and eighteen, executed in British Burma before the first day of January 1871, and every jama sanad executed in Coorg before that date, shall be accepted for registration, if duly presented for registration within twelve months from such date.

Exemptions from Act.

Exemption of certain documents executed by or in favour of Government.

101. Nothing contained in this Act or any Act hereby repealed shall be deemed to require, or to have at any time required, the registration of any of the following documents or maps:—

(a.) Documents issued, received, or attested by any officer engaged in making a settlement or revision of settlement of land revenue, and which form part of the records of such settlement.

(b.) Documents and maps issued, received, or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, other than waste land, and which form part of the record of such survey.

(c.) Documents which, under any law for the time being in force, are filed annually by patwáris or other officers charged with the preparation of village records.

(d.) Sanads, inám title-deeds, and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land, in reward for special services.

But all such documents and maps shall, for the purposes of sections forty-eight and fifty, be deemed to have been and to be registered in accordance with the provisions of this Act.

Inspection and copies of such documents.

102. Subject to such rules and the previous payment of such fees as the Local Government from time to time prescribes in this behalf, all documents and maps mentioned in section one hundred and one, clauses *a*, *b* and *c*, shall be open to the inspection of any person applying to inspect the same, and, subject as aforesaid, copies of such documents shall be given to all persons applying for such copies.

Copies of sanads to be filed by Registrar.

103. A copy of every document mentioned in section one hundred and one, clause *d*, and executed on or after the first day of January 1871 shall, as soon as may be after its execution, be sent by the Local Government to the Registrar or to every Registrar within whose District the whole or any part of the immoveable property comprised in such document is situate, and shall be filed by him in his Book 1.

Madras Inám title-deeds.

Exemption of Madras inám title-deeds.

104. Nothing contained in this Act, or in any Act hereby repealed, shall be deemed to require, or to have required, the registration of any title-deed for inám lands issued by the Inám Commissioner in the Presidency of Fort St. George.

The provisions of section one hundred and three shall not apply, and the provisions of section three of Act No. XXVII of 1868 shall be deemed not to have applied, to any such title deed.

Subject to such rules as the Local Government from time to time prescribes in this behalf, all the District Registers of ináms kept under the rules for the adjudication and settlement of inám lands in the said Presidency sanctioned by the Local Government and published in the *Fort St. George Gazette* dated the fourth day of October 1859, shall be open to the inspection of any person applying to inspect the same, and subject as aforesaid, copies of the said registers shall be given to all persons applying for such copies.

FIRST SCHEDULE.

PART I.

Serial No. of registered instrument with Page, No. and Volume of Register in which it has been entered.	Names of parties to and No. of the suit, and whether an original or appealed suit.	Description of the immoveable property referred to in the instrument.	Effect of the decree or order on the instrument.	Date on which decree or order was passed.	Name and official designation of judge or officer by whom the decree or order was passed.

(Signed) A. B.

PART II.

Names of parties to, and No. of the suit, and whether an original or appealed suit.	Description of the immoveable property affected by the decree or order.	Effect of the decree or order on the said property.	Date on which decree or order was passed.	Name and official designation of judge or officer by whom the decree or order was made.

(Signed) A. B.

SECOND SCHEDULE.

Form of petition under section 84.

Stamp eight annas.

To the Judge of the District Court [*or* To the Deputy Commissioner] of

The day of 18 .

The petition of A. B. of

Sheweth—

1. That by an assurance dated the day of and made between C. D. of the one part and your petitioner of the other part, certain lands were conveyed to your petitioner absolutely.

2. That such assurance was executed by the said C. D. on the day of 18 .

3. That the property to which such assurance relates is situate in the Sub-District of the Sub-Registrar of and in the District of

4. That on the day of your petitioner presented the said assurance for registration under "The Indian Registration Act, 1870," in the office of the said Sub-Registrar, and on such presentation the said C. D. appeared personally before the said Sub-Registrar, and admitted the execution of the said assurance [*or* and falsely denied the execution of the said assurance].

5. That the said C. D. is personally known to the said Sub-Registrar [*or* adduced evidence that he was the person he represented himself to be, *or* that your petitioner adduced evidence that the said C. D. was the person he represented himself to be].

6. That the said Sub-Registrar thereupon made an order of refusal, dated the day of 18 , to register the said assurance and gave your petitioner a copy, which is filed herewith, of the reasons for such order.

7. That your petitioner on the day of appealed to the Registrar of against such order.

8. That the said Registrar thereupon made an order of refusal, dated the day of to direct the registration of the said assurance, and gave your petitioner a copy, which is filed herewith, of the reasons for such order.

9. That the reasons referred to in paragraphs 6 and 8 are, as your petitioner submits, insufficient [*or* that your petitioner has complied with the requirements of the said Act so far as it has been possible for him to do so].

Your petitioner, therefore, prays that your Honour will order the said Sub-Registrar to register the said assurance.

A. B.

Form of Verification.

I, A B, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed) A. B.

STATEMENT OF OBJECTS AND REASONS.

The Indian Registration Act has now been in force for nearly five years. It has gradually been extended to the whole of British India, except Oudh and Burma, and it has attained its two great objects,—discouraging forgery and false evidence, and creating a trustworthy record of title to immoveable property.

In 1868 it was found expedient to exclude from its operation certain instruments executed by, or in favour of, Government, and the Government of Madras has recently applied for similar legislation as regards inám title-deeds.

To consolidate and amend the law on the subject is obviously preferable to adding a fourth Act to the three in which that law is now contained. The present Bill accordingly repeals and re-enacts Acts XX of 1866 and XXVII of 1868. It incorporates the provisions as to registration contained in the Military Cantonments Act No. XXII of 1864, sections 10 and 45. It extends the system of registration to the whole of British India, except Oudh. It renders written authorities to adopt compulsorily registrable. It enables Sub-Registrars to register wills and authorities to adopt and to receive deposits of such documents. It also enables Sub-Registrars to institute prosecutions without the Registrar's sanction; and it excludes from its operation Madras inám title-deeds.

Besides these substantial changes, the Bill effects various minor amendments suggested by the practical experience gained in working the Act of 1866. These may be shortly stated as follows:—

With reference to Mr. Justice Norman's decision in *Jalu Namdar* v. *Beicha Namdar*, 3 Ben. L. R., A. C. J. 394, "moveable property" has been defined so as to include juice in trees. And "addition" has been made to include, in the case of a Native, his father's name.

In section 10, provision has been made for cases where there are more District Courts than one.

Section 17 has been expressly made applicable to leases from year to year, and to those leases (common in Bengal) which merely reserve a yearly rent.

In *Náráyana Swámi's Pillai's* case, 4 Mad. H. C. Rep. 91, Sir Adam Bittleston ruled that the provisions in Act XX of 1866, section 21, as to the description of houses and land, are merely directory. The Bill, section 22, embodies this ruling, which is clearly in accordance with the intention of the Act.

In section 32 the words 'including a Presidency town' have been omitted so as to render it possible for any Local Government to amalgamate in the Mofussil a Registry and a Sub-Registry Office.

It has been held by the Advocate General of Bengal that section 36 of Act XX of 1866, requires the persons executing a document to appear simultaneously before the Registering Officer. Such requirement is obviously inconvenient and unnecessary. The corresponding section of the Bill expressly provides that such appearances, if within the time allowed for presentation, may be either simultaneous or at different times.

In the same section the Bill expressly authorizes the Registering Officer to refuse to register where any person executing the document denies its execution, or where an executant appears to be a minor, an idiot, or a lunatic. This is in accordance with the views of the Advocate General of Madras.

Section 37 empowers the Registering Officer to require the Revenue Officer in whose jurisdiction any executant or witness, whose attendance is desired may be, to issue and to serve a summons requiring him to attend at the Registration Office. Some difficulty has been felt in Madras and elsewhere as to the Revenue Officer thus indicated, and the section has been altered by substituting for "the Revenue Officer" the words "such Revenue or Civil Court as the Local Government directs in this behalf."

In working Part VIII of Act XX of 1866, (as to sending to the Registry Office memoranda of decrees and orders affecting immoveable property) difficulty has been found in recovering the costs of registration. The Bill accordingly provides that the party in whose favour the decree or order has been made, shall himself present and pay for registering the memorandum, and that no such decree or order shall be of any force until a memorandum thereof has been registered. Forms of memoranda are given in the first Schedule. They must be registered within four months of the date of the decree or order, and the operation of the Part is confined to cases when the subject matter is of the value of Rs. 100 or upwards.

Section 48 of that Act provides that registered instruments relating to any moveable or immoveable property shall take effect against oral agreements relating thereto. The effect of this provision is (it has been argued) that a purchaser even of any trivial article bought in a shop and handed over the counter, has against any subsequent registered purchaser a defective title. The Bill accordingly by an additional section (49) precludes the operation of the former clause as regards moveables, where the agreement has been accompanied or followed by delivery of possession.

Certain decisions of the High Court at Fort William have made serious inroads on section 49 of the same Act, which declares that no instrument required to be registered "shall be received in evidence *in any civil proceeding* in any Court." The High Court has decided that an unregistered document requiring registration as affecting an interest in land is admissible in evidence in a civil proceeding for any purpose for which registration is unnecessary. The section has been re-drawn, so as to preclude, it is hoped, in future, a construction so opposed to the intention of the Legislature.

Section 51 of Act XX of 1866 prescribes the period of limitation for certain suits under a registered contract. The section has been omitted as it will find a fitter place in the Limitation Bill now being prepared in the Legislative Department.

Words have been introduced into section 53, showing clearly that the summary remedy provided on a specially registered bond is available only as against the person signing the agreement mentioned in section 52.

Section 57 has been altered so as to require the copying of such documents only as are *admitted* to registration.

The note taken by the Registering Officer under section 71, has been made admissible as *primâ facie* evidence of the facts therein stated.

As regards the procedure on the deposit of wills, the Bill provides, with reference to the case of *Nagindas*, 3 Bom. H. C. Rep. 135, decided by the present Chief Justice of the High Court at Bombay, that nothing in the Registration Act shall affect the power of any Court by order to compel the production of a will for the purposes of probate. Whenever any such order is made, the Registrar will copy the will in his book No. 4, and make a note on such copy that the original has been removed in pursuance of the order.

Section 84, as to the procedure when a Registrar refuses to register or to direct registration, has been made clearer. The Court has been expressly empowered to summon witnesses and compel them to give evidence; and the discretion reposed in it as to directing registration has been limited in accordance with the views of Sir Adam Bittleston (4 Mad. H. C. Rep. 97). Appeals from orders under this section have been expressly precluded (3 Bom. H. C. Rep. A. C. J. 104).

Provision has been made for admitting to registration, within twelve months after the new Act comes into force, of jama sanads executed in Coorg.

Lastly, the sections relating to penalties have been placed in a separate Part, and the wording of the Bill has been carefully settled with reference to all the reported decisions of the High Courts on Acts XVI of 1864 and XX of 1866.

F. R. COCKERELL.

SIMLA;
The 18th September 1870.

WHITLEY STOKES,
Secy. to the Govt. of India.

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations:—

No. 25 OF 1870.

A Bill to consolidate and amend the law relating to the District and Subordinate Civil Courts in Bengal.

Preamble. Whereas it is expedient to consolidate and amend the law relating to the District and Subordinate Civil Courts in the territories respectively under the governments of the Lieutenant-Governors of the

Lower and North-Western Provinces, of the Presidency of Fort William in Bengal; It is hereby enacted as follows:—

PART I.—*Preliminary.*

1. This Act may be called "The Bengal Civil Courts Act, 1870."

Short title.

It extends to the territories for the time being respectively under the governments of the said Lieutenant-Governors except such portions thereof as have been, or may hereafter be, removed by express enactment from the jurisdiction of the High Courts.

Local extent.

And it shall come into force on the passing thereof.

Commencement.

2. The Regulations and Acts mentioned in the first Schedule hereto annexed are repealed to the extent specified in the third column of such Schedule.

Repeal of enactments.

PART II.—*Constitution of Civil Courts.*

3. The number of District Judges to be appointed under this Act shall be fixed, and may, from time to time, be altered by the Local Government: Provided that no increase to the present number of District Judges shall be made by such Government without the previous sanction of the Governor General in Council.

Number of District Judges.

4. The number of Subordinate Judges and Munsifs to be appointed under this Act in each District, shall be fixed, and may, from time to time, be altered by the Local Government: Provided that no increase of the total number so appointed before the passing of this Act shall be made without the previous sanction of the Governor General in Council.

Number of Subordinate Judges and Munsifs.

5. Whenever the office of District Judge or Subordinate Judge under this Act is vacant, or when it is necessary to increase the number of Subordinate Judges, the Local Government shall, subject to the provisions of section three, supply such vacancy or appoint such additional Subordinate Judges, as it thinks fit.

Vacancies in District Judgeships.

6. Whenever the office of a Munsif is vacant, or when it is necessary to increase the number of Munsifs, the High Court shall nominate such person as it thinks fit to be a Munsif, and the Local Government shall appoint him accordingly:

Vacancies in Munsifships.

Provided that the Local Government may, with the sanction of the Governor General in Council, make rules as to the qualifications of persons to be appointed to the office of Munsif under this Act; and on such rules being made, no person shall be nominated to such office unless he possesses the qualifications required by the said rules.

7. The present Judges of the Zila Courts, Subordinate Judges and Munsifs shall be the first District Judges, Subordinate Judges, and Munsifs under this Act.

First District Judges, Subordinate Judges, and Munsifs.

8. The Local Government shall have power to fix, and, from time to time, alter the place at which any Court under this Act is to be held.

Power to fix sites of Court.

9. Every District Judge, Subordinate Judge or Munsif appointed after the passing of this Act shall, previously to entering on the duties of his office, make and subscribe a solemn declaration according to the form in the second Schedule to this Act.

Oath of office.

Such declaration shall be made—

by a District Judge, either before his predecessor in such office, or before the Magistrate of the District,

by a Sub-Judge or Munsif, before the District Judge.

10. Every Court under this Act shall use a seal of such form and dimensions as shall, from time to time, be prescribed by the Local Government.

Seals of Courts.

11. Every District Judge, Subordinate Judge, and Munsif under this Act shall be deemed to be a Civil Court within the meaning of the Code of Civil Procedure and of this Act.

District Judges, Subordinate Judges, and Munsifs to be deemed Civil Courts.

PART III.—*Ordinary Jurisdiction.*

12. The Local Government shall fix, and may, from time to time, vary the local limits of the jurisdiction of any Civil Court under this Act.

Power to fix local limits of jurisdiction.

13. The jurisdiction of a District Judge or Subordinate Judge extends, subject to the rules contained in the Code of Civil Procedure, to all original suits cognizable by the Civil Courts.

Extent of original jurisdiction of District Judge or Subordinate Judge.

14. The jurisdiction of a Munsif extends to all like suits of which the amount or value in dispute does not exceed one thousand rupees.

Extent of Munsif's jurisdiction.

15. A regular or summary appeal shall, when such appeal is allowed by law, lie from the decrees and orders of a District Judge to the High Court.

Appeals from District Judge.

16. Appeals from the decrees and orders of Subordinate Judges and Munsifs shall, when such appeals are allowed by law, lie to the District Judge, except when the amount or value of the subject-matter of the suit exceeds five thousand rupees, in which case the appeal shall lie to the High Court.

Appeals from Subordinate Judges and Munsifs.

17. Every Court established under this Act shall have power to require a witness, or party to any suit pending in such Court, to take such oath as is prescribed by the law for the time being in force.

Power to require witnesses or parties to be sworn.

18. Where in any suit it is necessary for any Court under this Act to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution, the Muhammadan law in the case of Muhammadans, and the Hindú law in the case of Hindús, shall form the rule of decision, except in so far as such law has, by legislative enactment, been altered or abolished.

Certain decisions to be according to Muhammadan law in case of Muhammadans, and to Hindú law in case of Hindús.

Where no specific rule exists, the Court shall act according to justice, equity, and good conscience.

19. No District Judge, Subordinate Judge or Munsif shall try any suit in which he is a party or personally interested, or shall adjudicate upon any proceeding connected with, or arising out of, such suit.

Judges or Munsifs not to try suits in which they are interested.

No District Judge or Subordinate Judge shall try any appeal against a decree or order passed by himself in another capacity.

When any such suit, proceeding or appeal comes before any such officer as aforesaid, he shall forthwith transmit the whole record of the case to the Court to which he is immediately subordinate, with a report of the circumstances attending the reference. The superior Court shall thereupon dispose of the case in the manner prescribed by the Code of Civil Procedure.

PART IV.—*Special Jurisdiction.*

20. When the number of appeals from the orders of a Subordinate Judge pending before any District Judge requires the aid of additional Judges for the speedy adjudication and decision of such appeals, the Local Government may, upon the recommendation of the High Court, and (so far only as regards the additional expenditure involved in such appointment) subject to the sanction of the Governor General in Council, appoint such additional Judges as may be requisite.

Provision for appointing additional Judges.

The Additional Judges so appointed shall, previously to entering upon the execution of the duties of their office, make and subscribe the same declaration as is required to be made by the District Judges.

They shall perform any of the duties of a District Judge under Part III, that may be assigned to them, and, in the performance of such duties, shall exercise the same powers and be guided by the same rules as the District Judge.

The present Additional Judges shall be deemed to have been appointed under this Act.

21. The Local Government may invest any Subordinate Judge with the powers of a Munsif under section fourteen, and may define and, from time to time, vary the local limits within which such powers are to be exercised.

Power to invest Subordinate Judge with Munsif's jurisdiction.

22. Every District Judge may, from time to time, subject to the orders of the High Court, refer to any Subordinate Judge under his control any appeals depending before him from the decisions of Munsifs; and such Subordinate Judge shall hear and dispose of such appeals accordingly.

Power to refer to Subordinate Judges appeals from Munsifs.

23. The High Court may, from time to time by order, authorize any District Judge to transfer to a Subordinate Judge or Munsif under the control of such District Judge any civil proceeding (not being suits), or any class of such proceedings, specified in such order, and then pending or thereafter instituted, before such District Judge.

Power to transfer to Subordinate Judge or Munsif certain proceedings pending before District Judge.

All proceedings so transferred shall be disposed of by the Subordinate Judge or Munsif (as the case may be) according to the rules prescribed for the guidance of District Judges in like cases:

Provided that an appeal from the order of the Subordinate Judge or Munsif in such cases shall lie to the District Judge.

An appeal from his order thereon shall lie to the High Court if an appeal from the decision of the Judge in such proceedings is allowed by the law in force for the time being.

24. The Local Government may invest, within such local limits as it from time to time appoints, any Subordinate Judge with the jurisdiction of a Judge of a Court of Small Causes, for the trial of suits cognizable by such Courts, up to the amount of five hundred rupees, and any Munsif with similar jurisdiction up to the amount of fifty rupees, and may, whenever it thinks fit, withdraw such jurisdiction from the Subordinate Judge or Munsif so invested.

Power to invest Subordinate Judges with Small Cause jurisdiction.

25. Section fifty-one of Act No. XI of 1865 *(to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the Ordinary Original Civil Jurisdiction of the High Courts of Judicature)*, shall be read as if for the words "Principal Sadr Amín," the words "Subordinate Judge" were substituted.

Amendment of Act XI of 1865.

PART V.—*Misfeazance.*

26. A District Judge or Additional Judge may, for any misconduct, be suspended or removed by the Local Government.

Suspension or removal of District Judge or Additional Judge.

27. The High Court may, whenever it sees urgent necessity for so doing, suspend any Subordinate Judge under its control.

Suspension of Subordinate Judge.

Whenever the High Court exercises this power, it shall forthwith report the circumstances of the suspension, and the Local Government may direct the dismissal of the Subordinate Judge, or make such other order as the case may require.

28. The High Court may suspend any Munsif or may appoint a Commission for enquiring into his alleged misconduct.

Suspension of Munsifs by High Court.

The provisions of Act No. XXXVII of 1850 *(for regulating inquiries into the behaviour of public servants)*, shall apply to enquiries under this section, the powers conferred by that Act on the Government being exercised by the High Court.

On receiving the report of the result of such inquiry, the High Court may remove or suspend from office such Munsif, or may reduce him to a lower grade.

29. Any District Judge may, whenever he sees urgent necessity for so doing, suspend from office any Munsif under his control.

Suspension of Munsifs by District Judges.

Whenever a District Judge suspends from office any such Munsif, he shall forthwith send to the High Court a full report of the circumstances of the suspension, together with the evidence, if any, and the High Court shall make such order thereon as it thinks fit.

PART VI.—*Ministerial Officers.*

30. The Ministerial Officers of the District Courts shall be appointed, and may be removed, suspended, or fined in an amount not exceeding one month's salary, by the Judges of such Courts, whose orders in such matters shall be final.

Appointment, removal and suspension of Ministerial Officers of District Courts.

31. The Ministerial Officers of the Courts of Subordinate Judges and Munsif shall be nominated and appointed by those Courts respectively, subject to the approval of the District Judge within whose jurisdiction such Courts are situate.

Appointment, removal and suspension of Ministerial Officers, of Subordinate Judges and Munsifs.

Every such Court may, by order, remove or suspend from office, or fine in an amount not exceeding one month's salary, any of its Ministerial Officers who is guilty of any misconduct or neglect in the performance of the duties of his office. But every such order shall be subject to appeal to the District Judge; and the rules for the time being applicable to appeals to the Court of Session from orders of the Criminal Courts subordinate thereto shall apply to all appeals under this section.

Nothing in this section shall exempt the offender from any penal or other consequences to which he may be liable under any other law in force for the time being.

32. All fines imposed under this Part may be recovered by deduction from the salary of the offender.

Recovery of fines.

PART VII.—*Miscellaneous.*

33. In the event of the death of the District Judge, or of his being incapacitated by illness or otherwise for the performance of his duties, or of his absence from the station in which his Court is held, the Additional Judge, or, if there is no Additional Judge attached to such Court, the senior Subordinate Judge of the District shall, without interruption to his ordinary duties, assume charge of the Judge's office, and shall discharge such of the current duties thereof as are connected with the filing of suits and appeals, the execution of processes and the like functions, and shall continue in charge of the office until it is resumed by the District Judge or assumed by an Officer duly appointed thereto.

Death, incapacity or absence of District Judge.

34. A District Judge, on the occurrence within his District of any vacancy in the office of Munsif, may, pending the orders of the High Court thereon, appoint such person as he thinks fit to act in such office.

Vacancy in Munsif's office.

And he shall forthwith report to the High Court the occurrence of every such vacancy and such appointment.

35. The general control over all the Civil Courts in any District is vested in the District Judge. He may issue such directions for the guidance of the Subordinate Courts with respect to any matter not provided for by law as he thinks necessary, and the said Courts shall obey such directions.

Control of Civil Courts in a District.

36. Subject to such orders as may, from time to time, be issued by the Governor General in Council or by the Local Government, the High Courts shall prepare a list of days to be observed in each year as close holidays in such Courts and in the Courts, respectively, subordinate to them, and such list shall be published at the commencement of each year in the local official *Gazette*.

List of holidays.

FIRST SCHEDULE.

Number and year.	Title.	Extent of Repeal.
Regulation III, 1793 ...	A Regulation for extending and defining the jurisdiction of the Courts of Dewanny Adalwut, or Courts of Judicature for the trial of civil suits in the first instance, established in the several Zillahs, and in the cities of Patna, Dacca, and Moorshedabad.	So much as has not been repealed.
„ IV, 1793 ...	A Regulation for receiving, trying, and deciding suits or complaints declared cognizable in the Courts of Dewanny Adawlut established in the several Zillahs, and in the Courts of Patna, Dacca, and Moorshedabad.	Section fifteen.
„ VIII, 1833 ...	A Regulation for the occasional appointment of additional Judges of the Zillah and City Courts.	The whole.
Act L of 1860 ...	An Act to amend the law relating to vacations in the Civil Courts within the Presidency of Fort William in Bengal.	The whole.
„ XVI of 1868 ...	An Act to consolidate and amend the law relating to Principal Sadr Amíns, Sadr Amíns, and Munsifs in Bengal, and for other purposes.	The whole.
„ II of 1870 ...	An Act to provide for the appointment of Additional Subordinate Judges and Munsifs in the Presidency of Fort William.	The whole.

SECOND SCHEDULE.

Form of declaration to be administered to persons appointed to the office of District Judge, Additional Judge, Subordinate Judge, or Munsif.

I, A B, appointed to the office of of do solemnly declare that, in the trial and determination of all suits which may come under my cognizance, and in the execution of all the other duties of my office, I will act according to the best of my abilities and judgment without partiality, favour, or affection; that I will not directly or indirectly receive, or knowingly allow any other person to receive on my behalf, any money, effects, or property, on account of any suit that may come before me for decision, or on account of any public duty which I may have to execute.

I will strictly adhere to all the rules prescribed for my guidance, and I will, in all respects, truly and faithfully execute the trust reposed in me.

(Signed) A B.

District [*or* Additional *or* Subordinate] Judge of

Munsif of

STATEMENT OF OBJECTS AND REASONS.

The law relating to the constitution and jurisdiction of the District (or zila) courts in Lower Bengal and the North-Western Provinces is now spread over the following enactments:—

Regulation	III of	1793 (Bengal Code).
„	IV „	„
„	VII of	1795 „
„	VIII „	„
„	II of	1803 „
„	III „	„
„	VIII of	1805 „
„	VIII of	1833 „
Act	L of	1860.

The repeal of Regulations VII of 1795, VIII of 1795 (except section ten), II and III of 1803, and VIII of 1805, as enactments purporting only to extend to the North-Western Provinces the provisions of the earlier Regulations of 1793 in regard to the zila courts, has been already proposed in connection with the Bill for defining the local extent of the general Regulations and Acts now before the Council.

In pursuance of the general scheme of consolidation, it has now become necessary to gather together the remaining fragments of the Regulation-law on this subject, and to combine therewith the recently consolidated law (Act XVI of 1868) regarding the civil courts subordinate to the zila courts.

A further object of the present Bill is to supply certain omissions of Act XVI of 1868 in regard to the jurisdiction of sub-Judges and Munsifs.

The older Regulations provide that the zila courts shall, in the determination of cases relating to inheritance, marriage, caste, or religious usage, be guided by the Muhammadan law where the parties to the cause are Muhammadans, and by the Hindú law where the parties are Hindús; also, that in cases for which no specific rule exists, the said courts shall act in accordance with equity and good conscience.

The application of these rules was, on the subsequent creation of the Courts of Munsifs, Sadr Amíns (now designated Munsifs) and Principal Sadr Amins (now Subordinate Judges) extended to such courts; but the extending provisions were, apparently through inadvertence, included in the wholesale repeals which followed the introduction of the Code of Civil Procedure, and they were not revived when Act XVI of 1868 was enacted.

SIMLA, *The 7th October* 1870. } F. R. COCKERELL.

WHITLEY STOKES,
Secy. to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 3rd October 1870.

No. 22 OF 1870.

A Bill to consolidate the laws relating to Prisoners confined by order of a Court.

For the purpose of consolidating the laws relating to prisoners confined by order of a Court; It is hereby enacted as follows:—

Preamble.

PART I.—PRELIMINARY.

Short title. 1. This Act may be called "The Prisoners' Act, 1870."

Local extent. It extends to the whole of British India.

Commencement. And it shall come into force on the passing thereof.

Repeal of Acts. 2. The Acts mentioned in the Schedule hereto annexed are repealed.

PART II.—PRISONERS IN THE PRESIDENCY TOWNS.

Warrants and writs to be directed to Police Officers. 3. All writs or warrants for the arrest or apprehension of any person, issued or awarded by the High Court in the exercise of its ordinary, extraordinary, or other criminal jurisdiction, shall be directed to and executed by any officer of Police within the local limits of such jurisdiction.

Local Government may appoint Superintendent of Presidency Prisons. 4. The Local Government may appoint an officer who shall be called in Calcutta the Superintendent of the Presidency Prisons, and in Madras and Bombay the Superintendent of Prisons for the town of Madras or Bombay, as the case may be, and who shall have authority to receive and keep prisoners committed to his custody under the provisions of this Part.

Superintendents to detain persons committed. 5. The said prisons shall be the prisons of Calcutta, Madras, and Bombay respectively,

and the Superintendents so appointed are hereby respectively authorized and required to keep and detain all persons duly committed to their custody pursuant to the provisions of this Act, or otherwise, by any Court, Judge, Justice of the Peace, Magistrate of Police, Coroner, or other public officer lawfully exercising civil or criminal jurisdiction according to the exigency of any writ, warrant or order by which such person has been committed, or until such person is discharged by due course of law.

Superintendents to return writs, &c., after execution or discharge with certificates. 6. The said Superintendent shall forthwith after the execution of every such writ, order, or warrant, except warrants of commitment for trial, or after the discharge of the person committed thereby, return such writ, order, or warrant to the Court or other officer by which or by whom the same has been issued

The Gazette of India.

Published by Authority.

SIMLA, SATURDAY, OCTOBER 22, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

or made, together with a certificate endorsed thereon and signed by such Superintendent, showing how the same has been executed, or why the person committed thereby has been discharged from custody before the execution thereof.

Persons sentenced by High Court to imprisonment or death to be delivered to the Superintendent.

7. Whenever any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to imprisonment or to death, the Court shall cause him to be delivered to the said Superintendent, together with the warrant of the said Court, and such warrant shall be executed by such Superintendent and returned by him to the High Court when executed.

Persons sentenced by High Court to transportation or penal servitude to be delivered for intermidiate custody to Superintendent.

8. Whenever any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to transportation or penal servitude, the Court shall cause him to be delivered for intermediate custody to the said Superintendent, and the imprisonment of such person shall have effect from such delivery.

Order under Mutiny Act for intermediate custody.

9. Whenever any Judge of a High Court makes, under any Act for the time being in force for punishing mutiny and desertion, and for the better payment of the Army and their quarters, order for the intermediate custody of an offender sentenced by a Court Martial holden in India, the Judge shall order such offender to be detained for intermediate custody by the said Superintendent.

Committals by High Court in execution of a decree or for contempt.

10. Whenever any person is committed by the High Court, whether in execution of a decree or for contempt of Court, or other cause, he shall be taken by the officer to be appointed for that purpose by such Court, and shall be delivered to the said Superintendent, together with a warrant of commitment.

Persons sentenced by Magistrate of Police to imprisonment, or imprisoned for non-payment of fine, to be delivered to Superintendent with a warrant.

11. Whenever any person is sentenced by a Magistrate of Police for the town of Calcutta, Madras, or Bombay, to imprisonment, either absolutely or for default of payment of any fine imposed by any such Magistrate, or is committed to prison for failure to find security to keep the peace and to be of good behaviour, the Magistrate shall cause him to be delivered to the said Superintendent, together with a warrant of the Court.

Persons committed by Justice or Magistrate or Coroner for trial by High Court to be delivered to Superintendent with warrant.

12. Every person committed by a Justice of the Peace or Magistrate or Coroner for trial by the High Court in the exercise of its original criminal jurisdiction shall be delivered to the said Superintendent, together with a warrant of commitment directing him to have the body of such person before the Court for trial, and such Superintendent shall, as soon as practicable, cause such person to be taken before the Court at a Criminal Session of the said Court, together with the warrant of commitment, in order that he may be dealt with according to law.

Custody, pending enquiry under Act XXXIII of 1861, section 8.

13. Pending any such enquiry as is mentioned in section eight of Act No. XXIII of 1861 *(to amend Act VIII of 1859)*, which the High Court considers it necessary to make, the defendant may be delivered by the officer of the said Court to the said Superintendent, subject to the provisions as to deposit of fees and as to release on security contained in the same section,

and such Superintendent is hereby authorized and required to detain such defendant in safe custody until he is redelivered to the Officer of the Court for the purpose of being taken before the said Court in pursuance of an order of the said Court or of a Judge thereof, or until he is released by due course of law.

Persons arrested in pursuance of warrant of High Court, or Small Cause Court, to be delivered to Superintendent.

14. Every person arrested in pursuance of a writ, warrant, or order of the High Court, in the exercise of its original civil jurisdiction,

or in pursuance of a warrant of any Court established in Calcutta, Madras or Bombay under Act No. IX of 1850 *(for the more easy recovery of small debts and demands in Calcutta, Madras and Bombay)*,

or in pursuance of a warrant issued under section three of this Act,

shall be brought without delay before the Court by which, or by a Judge of which, the writ, warrant, or order was issued, awarded, or made, or before a Judge thereof, if the said Court, or a Judge thereof, is then sitting for the exercise of original jurisdiction; and if such Court, or a Judge thereof, is not then sitting for the exercise of original jurisdiction, shall, unless a Judge of the said Court otherwise orders, be delivered to the said Superintendent for intermediate custody, and shall be brought before the said Court, or a Judge thereof, at the next sitting of the said Court, or of a Judge thereof, for the exercise of original jurisdiction, in order that such person may be dealt with according to law;

and the said Court or Judge shall have power to make or award all necessary orders or warrants for that purpose.

Warrants under Regulations for confinement of State prisoners may be directed to Superintendent.

15. Any warrant of commitment under Regulation III of 1818 of the Bengal Code *(for the confinement of State prisoners)*, Regulation II of 1819 of the Madras Code *(for the confinement of State prisoners)*, and Regulation XXV of 1827 of the Bombay Code *(for the confinement of State prisoners, and for the attachment of the lands of Chieftains and others, for reasons of State)*, may be directed to the said Superintendent in the same manner as the same might have been directed to the Sheriff under Act No. XXXIV of 1850 *(for the better custody of State prisoners)*, and Act No. III of 1858 *(to amend the law relating to the arrest and detention of State prisoners)*.

Construction of section 25 of Act No. XLVIII of 1860.

16. Section twenty-five of Act No. XLVIII of 1860, shall be construed in Bombay as if the words "Superintendent of prisons for the town of Bombay," were substituted for the words "Keeper or Governor of the Jail or House of Correction."

PART III.—PRISONERS IN THE MOFUSSIL.

Officers in charge of prisons may give effect to sentences passed by certain Courts.

17. Officers in charge of prisons situate outside the local limits of the ordinary original civil jurisdictions of the High Courts of Judicature at Fort William, Madras and Bombay, shall be competent to give effect to any sentence passed by any Court or tribunal acting under the authority of Her Majesty, or of the Governor General of India in Council, or of any Local Government.

Warrant of officer of such Court to be sufficient authority.

18. A warrant under the official signature of an officer of such Court or tribunal shall be sufficient authority for holding any prisoner in confinement, or for sending any prisoner for transportation beyond sea, in pursuance of the sentence passed upon him.

Procedure where jailor doubts the legality of warrant sent to him for execution.

19. Any officer in charge of a prison doubting the legality of any warrant sent to him for execution under this Part, or the competency of the person whose official seal and signature are affixed thereto to pass the sentence and issue such warrant, shall refer the matter to the Local Government, by whose order on the case such officer and all other public officers shall be guided as to the future disposal of the prisoner.

Pending any such reference, the prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant.

Persons convicted in Native States.

Imprisonment in British India of persons convicted of certain offences in Native States.

20. The Local Government may authorize the reception, detention, or imprisonment in any place under such Government, for the periods specified in their respective sentences, of persons sentenced within the territories of any Native Prince or State in alliance with Her Majesty to imprisonment or transportation for any of the following offences,—

thuggee, dacoity, belonging to any gang of thugs or dacoits,

murder, culpable homicide,

administering poison or any other thing with intent to cause hurt or commit, or to facilitate the commission of an offence,

rape, voluntarily causing grievous hurt,

child-stealing, selling females, robbery, housebreaking, cattle theft,

malicious and wilful burning of houses, forgery, counterfeiting coin, or uttering counterfeit coin,

criminal breach of trust, criminal misappropriation of property,

attempt to commit any of the above offences,

abetment within the meaning of the Indian Penal Code of suicide by burning or burying alive *(samádh)*, or of any of the other offences above specified,

and for such other offences as the Governor General in Council, from time to time, by order published in the *Gazette of India*, thinks fit to prescribe:

Proviso.

Provided always that such sentences have been pronounced after trial before a tribunal in which an officer of Government, duly authorized in that behalf by such Native Prince or State, is one of the presiding Judges.

Certificate of conviction.

Copy of proceedings.

21. Every officer of Government so authorized as aforesaid shall forward with every prisoner a certificate of his conviction, and a copy of the proceedings held at the trial, that the same may be forthcoming for reference at the place where the sentence of imprisonment or transportation is carried into effect.

PART IV.—CONVICTS SENTENCED TO PENAL SERVITUDE.

Person under sentence of penal servitude where to be sent, and how to be dealt with.

22. Every person sentenced to be kept in penal servitude may, during the term of the sentence, be confined in such prison within British India as the Governor General of India in Council by general order, from time to time, directs;

and may, during such time, be kept to hard labour;

and may, until he can conveniently be removed to such prison, be imprisoned, with or without hard labour, and dealt with in all other respects as persons sentenced by the convicting Court to rigorous imprisonment may, for the time being, by law be dealt with:

Intermediate imprisonment.

The time of such intermediate imprisonment, and the time of removal from one prison to another, shall be taken and reckoned in discharge, or part discharge, of the term of the sentence.

Time of intermediate imprisonment to count in discharge of sentence.

Acts respecting convicts under sentence of transportation or imprisonment with hard labour applied to persons under sentence of penal servitude.

23. All Acts and Regulations now in force within British India, with respect to convicts under sentence of transportation, or under sentence of imprisonment with hard labour, shall, so far as may be consistent with the express provisions of this Act, be construed to apply to persons under any sentence of penal servitude.

Power to grant license to be at large to convict under sentence of penal servitude.

24. The Governor General in Council may grant to any convict hereafter to be sentenced to be kept in penal servitude, a license to be at large within British India or in such part thereof as in such license is expressed, during such portion of his term of servitude, and upon such

conditions as to the Governor General in Council seem fit.

The Governor General in Council may at any time revoke or alter such license.

Holder of license to be allowed to go at large.

25. So long as such license continues in force and unrevoked, such convict shall not be liable to imprisonment or penal servitude by reason of his sentence, but shall be allowed to go and remain at large according to the terms of such license.

If license revoked, the convict may be apprehended.

26. In case of the revocation of any such license as aforesaid, any Secretary to the Government of India may, by order in writing, signify to any Justice of the Peace or Magistrate that such license has been revoked, and require him to issue a warrant for the apprehension of the convict to whom such license was granted, and such Justice or Magistrate shall issue his warrant accordingly.

Execution of warrant.

27. Such warrant may be executed by any officer to whom it may be directed or delivered for that purpose in any part of British India, and shall have the same force in any place within British India as if it had been originally issued or subsequently endorsed by a Justice of the Peace, or Magistrate, or other authority having jurisdiction in the place where the same is executed.

Apprehended convict to be brought up for recommitment.

28. The convict, when apprehended under such warrant, shall be brought, as soon as conveniently may be, before the Justice or Magistrate by whom it has been issued, or some other Justice or Magistrate of the same place, or before a Magistrate or Justice having jurisdiction in the district in which the convict is apprehended.

Such Justice or Magistrate shall thereupon make out his warrant under his hand and seal, for the recommitment of the convict to the prison from which he was released by virtue of the said license.

Recommitment.

29. Such convict shall be recommitted accordingly, and shall thereupon be liable to be kept in penal servitude for such further period as, with the time during which he may have been imprisoned under the original sentence and the time during which he may have been at large under an unrevoked license, is equal to the period mentioned in the original sentence.

Penalty for breach of condition of the license.

30. If a license be granted under section twenty-five upon any condition specified therein, and the convict to whom the license is granted violates any such condition,

or goes beyond the limits specified in the license,

or, knowing of the revocation of such license, neglects forthwith to surrender himself, or conceals himself, or endeavours to avoid being apprehended, he shall be liable upon conviction to be sentenced to penal servitude for a term not exceeding the full term of penal servitude mentioned in the original sentence.

PART V.—REMOVAL OF CONVICTS.

Power to remove prisoners sentenced by High Court from one jail to another in the territories under Local Government.

31. When any person is, or has been, sentenced to imprisonment by a Court established by Royal Charter, the Local Government may order his removal during the period prescribed for his imprisonment, from the jail in which he is confined to any other jail within the territories subject to the same Local Government.

Lunatic prisoners sentenced by High Court may be removed to asylum.

32. Whenever it appears to the Local Government that any person, imprisoned by the sentence of a Court established by Royal Charter, is of unsound mind, such Government, by a warrant setting forth the grounds of belief that such prisoner is of unsound mind, may order his removal to a lunatic asylum, or other fit place of safe custody, within the territories subject to the same Government, there to be kept and treated as the Local Government directs during the remainder of the term of imprisonment ordered by the sentence; or if it be certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be detained under medical care or treatment, then, until he is discharged, according to law.

Remand on recovery.

When it appears to the said Government that such prisoner has become of sound mind, the Local Government, by a warrant directed to the person having charge of the prisoner, shall remand him to the prison from which he was removed, if then still liable to be kept in custody, or if not, shall order him to be discharged.

Discharge.

Act XXXVI of 1858, section 9, applied to prisoners in lunatic asylum.

The provisions of section nine of Act XXXVI of 1858 *(relating to Lunatic Asylums)* shall apply to every person confined in a lunatic asylum under this section after the expiration of the term of imprisonment to which he has been sentenced; and the time during which he has been so confined shall be reckoned as part of such term.

Governor General in Council may order removal of prisoners from one prison to another.

33. When any person is, or has been, sentenced to imprisonment by any Court, the Governor General in Council may order his removal during the period prescribed for his imprisonment, from the prison in which he is confined to any other prison in British India.

PART VI.—MANAGEMENT OF TRANSPORTED CONVICTS.

Right to service of convicts.

34. As soon as any offender is delivered to the person appointed by the Governor General in Council in this behalf at the place to which such offender is transported, the property in his service shall, during the term of transportation, vest in the person so appointed.

Power to appoint persons to whom convicts shall be delivered.

35. The Governor General in Council may appoint the Governor or other authority at any place in British India, or one or more Superintendents at any such place, as the persons to whom convicts undergoing transportation shall be delivered, and in whom the property in their service shall vest as aforesaid.

Power to make rules as to convicts.

36. The Governor General in Council may, from time to time, prescribe rules as to the following matters:—

the classification of convicts;

their confinement, treatment, and discipline;

their punishment for misbehaviour, disorderly conduct, neglect, or disobedience.

PART VII.—DISCHARGE OF CONVICTS.

Discharge of convicts recommended by High Court for pardon.

37. Any Court established under the twenty-fourth and twenty-fifth of Victoria, chapter one hundred and four, may in any case in which it has recommended to Her Majesty the granting of a free pardon to any convict, permit him to be at liberty on his own recognizance.

SCHEDULE.

(See Section 2.)

Number and Year.	Subject or Title.	Extent of Repeal.
Act VII of 1837 ...	Charter Courts' power to discharge convicts recommended for pardon.	The whole.
Act XVI of 1840 ...	An Act concerning the management of convicts transported to places within the territories of the East India Company.	The whole.
Act XXIV of 1855 ...	An Act to substitute penal servitude for the punishment of transportation in respect of European and American convicts, and to amend the law relating to the removal of such convicts.	Sections five, six, seven, nine, ten, eleven, twelve.
Act XVII of 1860 ...	An Act to repeal Act V of 1858 (for the punishment of certain offenders who have escaped from jail, and of persons who shall knowingly harbour such offenders) and to make certain provisions in lieu thereof.	...e complainant ...ieve the complaint ...hall summon the person and make a summary enquiry dged illegal, the Magistrate award to the complainant loss caused by the sei- detention reasonable
Act VIII of 1863 ...	An Act for the amendment of the law relating to the confinement of prisoners.	The ...one hundred rupees, made the seizure, ...d by the
Act VIII of 1865 ...	An Act to make valid the imprisonment of certain persons arrested under the process of the High Court of Judicature at Fort William in Bengal, in the exercise of its ordinary original civil jurisdiction.	The whole. cattle; ...ris-
Act II of 1867 ...	An Act to make further provision for the removal of prisoners.	The whole.
Act XII of 1867 ...	An Act to amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras and Bombay.	The whole.
Act XXVI of 1869 ...	An Act to correct a clerical error in Act VIII of 1863.	The whole.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to consolidate the nine Acts which contain the law relating to prisoners confined by the order of a Court. The Bill preserves intact the substance of the existing law; but some improvements have been made in its arrangement and wording.

SIMLA; *The 20th September* 1870. } F. R. COCKERELL.

WHITLEY STOKES,
Secretary to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 3rd October 1870.

No. 23 OF 1870.

A Bill to consolidate the law relating to Trespasses by Cattle.

Preamble.

Whereas it is expedient to consolidate the law relating to trespasses by cattle; It is hereby enacted as follows:—

Preliminary.

Short title.

1. This Act may be called "The Cattle-trespass Act, 1870," or some

place, or be

jurisdiction in th

is apprehended.

Such Justice or Magis

make out his warrant und

for the recommitment of

from which he was rele

license.

29. Such conv

Recommitment.

tu

passed subsequently thereto shall be read as if made to this Act.

the whole of Brit sh India, except ch districts or tracts of coun- e Local Government, Governor General in s operation.

it shall come into force passing thereof.

tioned in the Schedule hereto annexed shall be repealed to the extent specified in the third of the said Schedule.

references to any of the said Acts in Acts

Impounding Cattle.

Cattle doing damage to land may be seized and impounded.

3. The cultivator or occupier of any land,

or any person who has advanced cash for the cultivation of the crop or produce on any land,

or the vendee or mortgagee of such crop or produce, or any part thereof,

may seize or cause to be seized any cattle trespassing on such land, and doing damage thereto or to any crop or produce thereon, and take them without unnecessary delay to the pound established for the village in which the land is situate.

Police to aid seizures.

All Officers of Police shall, when required, give their aid to persons making such seizures.

Where pound shall be established.

4. Pounds shall be established at the district police stations, and at such other places as the Magistrate of the District, under the orders of the Local Government, may determine.

The village by which every pound is to be used shall be determined and notified by the Magistrate of the District.

Controul and management of pounds.

5. The pounds shall be under the controul of the Magistrate of the District, and for each pound a pound-keeper shall be appointed, who shall keep such registers and furnish such returns as the Local Government from time to time directs:

Provided that, in the Presidency of Fort St. George, the village Inspectors, and, in the Presidency of Bombay, the heads of villages and police pátils, shall be *ex-officio* the keepers of village pounds.

Seizures to be registered.

6. When cattle are brought to a pound, the pound-keeper shall enter in his register the number and description of the animals, the name and residence of the seizer, and the name and residence of the owner, if known, and shall give the seizer a copy of the entry.

Pound-keeper to take charge of and feed cattle.

The pound-keeper shall take charge of and feed the cattle until disposed of as hereinafter directed.

Fines.

Fines.

7. For every head of cattle impounded as aforesaid, a fine shall be levied according to the following scale:

	Annas.
Camel or buffalo	eight.
Horse or pony, bull, bullock, or cow ...	four.
Calf or ass	two.
Sheep or goat	one.

No cattle shall be released by a pound-keeper without the payment of such fine, unless the release be ordered by competent authority.

Delivery or Sale of Cattle.

Procedure if owner appear and claim the cattle.

8. If the owner appear and claim the cattle, they shall be delivered to him on payment of the prescribed fine, together with the expenses of feeding the cattle at such rates as may from time to time be fixed by the Magistrate of the District.

The owner, on taking back his cattle, shall sign a receipt for them in the register kept by the pound-keeper.

A list of the fines and of the rates of charge for feeding cattle shall be stuck up in a conspicuous place on or near to every pound.

Procedure if cattle be not claimed within a specified time.

9. If the cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall report the fact to such officer of Police as the Local Government appoints in this behalf.

Such officer shall thereupon stick up in a conspicuous part of the Police Office a notice stating—

(a) the number and description of the cattle,

(b) the place where they were seized,

(c) the place where they are impounded,

and shall cause proclamation of the same to be made by beat of drum in the village, and at the marketplace nearest to the place of seizure.

If the cattle be not claimed within seven days from the date of the notice, they shall be sold by public auction by the said Officer of Police, or an officer of his establishment deputed for the purpose.

Procedure if owner appear and refuse or omit to pay the fines and expenses.

10. If the owner appear and refuse or omit to pay the said fines and expenses, the cattle, or as many of them as may be necessary, shall be sold by public auction by the said Officer of Police.

The remaining cattle, and the balance of the purchase-money, if any, shall be delivered to the owner, together with an account showing—

(a) the number of cattle seized,

(b) the time during which they have been impounded,

(c) the charge for fines and expenses,

(d) the number of cattle sold,

(e) the proceeds of sale,

(f) the manner in which those proceeds have been disposed of.

The owner shall grant a receipt for the cattle delivered to him and for the balance of the purchase-money (if any) paid to him according to such account:

Proviso.

Provided that, if a complaint against the seizure has been preferred under the provisions of section fourteen, no sale shall be made until the case has been decided, nor otherwise than according to the order passed in such case.

Police Officers and pound-keepers not to purchase cattle at a sale under this Act.

11. No Police Officer or pound-keeper shall, directly or indirectly, purchase any cattle at a sale under this Act.

Disposal of sale-proceeds, fines, and expenses.

12. When cattle are sold under this Act, the fines leviable and the expenses of feeding, together with the expenses of sale, if any, shall be deducted from the proceeds of the sale.

The Officer of Police by whom the sale was made shall send to the Magistrate of the District the fines so deducted, as well as all fines received by the pound-keepers under section eight.

The expenses of feeding so deducted shall be paid over to the pound-keepers, who shall also retain and appropriate all sums received by them on account of such expenses under section eight.

The surplus proceeds of the sale of unclaimed cattle shall be sent to the Magistrate of the District, who shall hold them in deposit for three months and, if no claim thereto be preferred and established within that period, shall, at its expiry, dispose of them as hereinafter provided.

Application of fines and unclaimed proceeds of sales.

13. Out of the sums received on account of fines and the unclaimed proceeds of the sale of unclaimed cattle shall be paid—

(a) the salaries allowed to pound-keepers under the orders of the Local Government,

(b) the expenses incurred for the construction and maintenance of pounds, or for any other purpose connected with the execution of this Act;

and the surplus (if any) shall be applied, under orders of the Local Government, to the construction and repair of roads and bridges and other works of a like nature.

Complaints of Illegal Seizures.

Owner may prefer complaint to Magistrate within ten days from date of seizure of his cattle.

14. Any person whose cattle have been seized and detained as doing damage to land or any crop or produce thereon may prefer a complaint at any time within ten days from the date of the seizure to any Magistrate authorized to receive and try charges without reference by the Magistrate of the District.

Procedure.

The complaint may be either verbal, in which case the substance of it shall be taken down in writing by the Magistrate or other officer as aforesaid, or written upon unstamped paper; and shall be preferred by the complainant in person, or by an agent personally acquainted with the circumstances.

If the Magistrate on examining the complainant or his agent sees reason to believe the complaint to be well founded, he shall summon the person complained against, and make a summary enquiry into the case.

Compensation for illegal seizure.

If the seizure be adjudged illegal, the Magistrate shall award to the complainant for the loss caused by the seizure and detention reasonable compensation, not exceeding one hundred rupees, to be paid by the person who made the seizure, together with all expenses incurred by the complainant in procuring the release of the cattle; and if the cattle have not been released, the Magistrate shall, besides awarding such compensation, order their release and direct that the fines and expenses leviable under this Act shall be paid by the person who made the seizure.

Munsifs and others may be invested with power to adjudicate under this section.

Munsifs and other judicial officers having original jurisdiction, and not invested with criminal powers, may be specially invested by the Local Government with the power of receiving and trying complaints under this section, and in the exercise of such powers shall be subject to the same rules as Assistants and other officers subordinate to the Magistrate of the District.

All compensation awarded under this section shall be recoverable as if it were a fine imposed by the Magistrate awarding it.

Cattle damaging Roads, Canals, Embankments.

15. Persons in charge of public roads, canals, embankments, and the like, may seize, or cause to be seized, any cattle doing damage to the sides or slopes of such roads, canals, embankments, and the like; and all the foregoing provisions of this Act shall apply to such seizures.

Impounding cattle doing damage to public roads, canals, embankments.

Stray Cattle.

16. Village and other Police Officers shall take to the pounds established under section four all cattle, the owners of which are unknown, found straying in any public road or place; and the provisions of this Act relative to the detention, release, and sale of cattle seized as trespassing and doing damage, shall apply to all cattle so taken.

Impounding of stray cattle, the owners of which are unknown.

Penalties.

17. Whoever forcibly opposes the seizure of cattle liable to be seized under this Act,

Penalty for forcibly opposing the seizure of cattle or rescuing the same.

or forcibly rescues the same after seizure either from a pound, or from the seizer when conveying or about to convey them to a pound,

shall, on conviction before a Magistrate, be punishable with imprisonment for a period not exceeding six months, or with fine not exceeding five hundred rupees, or with both.

18. When any person commits mischief by causing cattle to trespass on any land, the penalty provided for such offence may be adjudged on the complaint of any person authorised to seize cattle under section three.

Recovery of penalty for mischief committed by causing cattle to trespass.

Any fine so adjudged may be recovered by sale of all or any of the cattle by which the trespass was committed, whether they were seized in the act of trespassing or not, and whether they are the property of the person convicted of the offence, or were only in his charge when the trespass was committed.

19. Any owner or keeper of pigs, who, through neglect or otherwise, damages or causes or permits to be damaged any land, or any crop or produce of land, or any public road, by allowing such pigs to trespass thereon, shall, on conviction before a Magistrate, be punished with fine not exceeding ten rupees.

Penalty for damage caused to land or crops or public roads by pigs.

All fines recovered under this and the last preceding section may be appropriated in whole or in part as compensation for loss proved to the satisfaction of the Magistrate.

Application of fines.

Suits for Compensation.

20. Nothing herein contained prohibits any person, whose crops or other produce of land have been damaged by trespass of cattle, from suing for compensation in any competent Court:

Saving of right of parties to sue for compensation.

Provided that any compensation paid to him under this Act by order of the Magistrate, shall be set off and deducted from any sum claimed by or awarded to him as compensation in such suit.

Proviso.

SCHEDULE.

Number and Year.	Title of Act.	Extent of Repeal.
III of 1857 ..	An Act relating to trespasses by cattle.	So much as has not been repealed.
V of 1860 ...	An Act to amend Act III of 1857 (relating to trespasses by cattle).	The whole.
XXII of 1861	An Act to amend Act III of 1857 (relating to trespasses by cattle).	So much as has not been repealed.

STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to consolidate the law relating to cattle-trespass, which is now scattered through three Acts,—III of 1857, V of 1860, and XXII of 1861. The opportunity has been taken to improve the arrangement and the wording of the law; to provide that damages awarded for illegal seizures may be recovered as if they were fines; and (with reference to the case of *Reg.* v. *Linganá bin Ginbaná*, 4 Bom. High Court Rep. C. C. 14) to declare expressly that a person who, through neglect, permits a public road to be damaged by allowing his pigs to trespass thereon, is liable to be fined. The cases of *Reg.* v. *Mír Saheb Cassamia*, 1 Bom. High Court Rep. 100; *Reg.* v. *Mathúr Purshotam*, 4 *ib.* C. C. 13; and *Reg.* v. *Gangá Kom Mhasu*, 5 *ib.* C. C. 13, have also been carefully considered.

SIMLA;
The 20th September 1870. } F. R. COCKERELL.

WHITLEY STOKES,
Secretary to the Govt. of India.

The following preliminary Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 3rd October 1870:—

No. 20 OF 1870.

THE CORONERS' BILL, 1870.

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A Bill to consolidate the laws relating to Coroners.

Whereas it is expedient to consolidate the laws relating to Coroners in the Presidency Towns; It is hereby enacted as follows:—

Preamble.

I.—Preliminary.

1. This Act may be called "The Coroners' Act, 1870."

Short title.

It extends to the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William, Madras and Bombay.

Local extent.

And it shall come into force on the passing thereof.

Commencement.

2. The enactments mentioned in the first Schedule hereto annexed are repealed.

Repeal of enactments.

II.—Appointment of Coroners.

3. Within the local limits of the ordinary original civil jurisdiction of each of the said High Courts there shall be a Coroner. Such Coroners shall be called, respectively, the Coroner of Calcutta, the Coroner of Madras, and the Coroner of Bombay.

Coroners of Calcutta, Madras and Bombay.

4. Every such officer shall be appointed and may be suspended or removed by the Local Government.

Their appointment, suspension and removal.

Every person now holding such office shall be deemed to have been appointed under this Act.

Present Coroners.

5. Every Coroner shall be deemed a public servant within the meaning of the Indian Penal Code.

Coroners to be public servants.

6. Any Coroner may hold simultaneously any other office under Government.

Power to hold other offices.

7. Every person hereafter appointed to the office of Coroner shall take and subscribe, before one of the Judges of the High Court, an oath that he will faithfully discharge the duties of his office.

Oath to be taken by Coroner.

III.—Duties and Powers of Coroners.

8. When a Coroner is informed that the death of any person has been caused by accident, homicide, suicide, or suddenly by means unknown, or that any person being a prisoner has died in prison,

Jurisdiction to enquire into deaths.

and that the body is lying within the place for which the Coroner is so appointed, the Coroner shall inquire into the cause of death.

Every such inquiry shall be deemed a judicial proceeding within the meaning of section one hundred and ninety-three of the Indian Penal Code.

9. Whenever a prisoner dies in a prison situate within the place for which a Coroner is so appointed, the Superintendent of the prison shall send for the Coroner before the body is buried. Any Superintendent failing herein shall on conviction before a Magistrate be punished with fine not exceeding five hundred rupees.

Coroner to be sent for when prisoner dies.

10. Whenever an inquest ought to be holden on any body lying dead within the local limits of the jurisdiction of any Coroner he shall hold such inquest, whether or not the cause of death arose within his jurisdiction.

Power to hold inquests on bodies within local limits, wherever cause of death occurred.

11. A Coroner may order a body to be disinterred within a reasonable time after the death of the deceased person, either for the purpose of taking an original inquisition where none has been taken, or a further inquisition where the first was insufficient.

Power to order body to be disinterred.

12. On receiving notice of any death mentioned in section eight the Coroner shall summon five, seven, nine, eleven, thirteen or fifteen persons qualified and liable to serve as jurors under Act No. XIII of 1865 to appear before him at a time and place to be specified in the summons, for the purpose of enquiring when, how, and by what means the deceased came by his death.

Summoning jury.

Any inquest under this Act may be held on a Sunday.

Inquest may be on Sunday.

13. When the time arrives, the Coroner shall proceed to the place so specified, open the Court by proclamation, and call over the names of the jurors.

Opening Court.

14. When a full jury is in attendance, he shall administer an oath to each juror to give a true verdict according to the evidence, and shall then proceed with the jury to view the body.

Jurors to be sworn.

15. The Coroner and the jury shall view and examine the body at the first sitting of the inquest, and the Coroner shall make such observations to the jury as the appearance of the body requires.

View of body.

16. The Coroner shall then make proclamation for the attendance of witnesses, or, where the inquiry is conducted in secret, shall call in separately such as know anything concerning the death.

Proclamation for witnesses.

17. It shall be the duty of all persons acquainted with the circumstances attending the death to appear before the inquest as witnesses, and the Coroner shall enquire of such circumstances and the cause of the death, and if before or during the enquiry he is informed that any person can give evidence material thereto, may issue a summons requiring him to attend and give evidence on the inquest.

Summoning witnesses.

18. The Coroner may direct the performance of a *post-mortem* examination, with or without an analysis of the contents of the stomach or intestines, by any medical witness summoned to attend the inquest, and every such witness shall be entitled to such reasonable remuneration as the Coroner thinks fit.

Post-mortem examinations.

Fees to medical witnesses.

19. All evidence given under this Act shall be on oath, and the Coroner shall be bound to receive evidence on behalf of the party (if any) accused of causing the death of the deceased person.

Evidence to be on oath.

Evidence on behalf of accused.

Witnesses unacquainted with the English language shall be examined through the medium of an interpreter, who shall be sworn to interpret truly as well the oath as the questions put to, and the answers given by, the witnesses.

Interpreter.

After each witness has been examined, the Coroner shall enquire whether the jury wish any further questions to be put to the witness, and if the jury wish that any such questions should be put, the Coroner shall put them accordingly.

Questions suggested by jury.

20. The Coroner shall commit to writing the material parts of the evidence given to the jury, and shall read over such parts to the witness and then procure his signature thereto;

Coroner to take down evidence in writing.

any witness refusing so to sign shall be deemed to have committed an offence under section one hundred and eighty of the Indian Penal Code;

Witnesses to sign depositions.

every such deposition shall be subscribed by the Coroner.

Coroner to subscribe depositions.

21. The Coroner may adjourn the inquest from time to time, and from place to place.

Adjournment of inquest.

Whenever the inquest is adjourned the Coroner shall take the recognizances of the jurors to attend at the time and place appointed, and notify to the witnesses when and where the inquest will be proceeded in.

22. When all the witnesses have been examined, the Coroner shall sum up the evidence to the jury, and the jury shall then consider of their verdict.

Coroner to sum up to jury.

23. When the verdict is delivered, the Coroner shall draw up the inquisition according to the finding of the jury, or, when the jury is not unanimous, according to the opinion of the majority.

Coroner to draw up inquisition.

24. Every inquisition under this Act shall be signed by the Coroner with his name and style of office and by the jurors, and shall set forth—

Contents of inquisition.

(1) where, when, and before whom the inquisition is holden,

(2) who the deceased is,

(3) where his body lies,

(4) the names of the jurors and that they present the inquisition upon oath,

(5) where, when, and by what means the deceased came by his death; and

(6) if his death was occasioned by the criminal act of another, who is guilty thereof.

If the name of the deceased be unknown, he may be described as a certain person to the jurors unknown.

Every such inquisition may be in the form set forth in the second Schedule to this Act, with such variation as the circumstances of each case require.

25. When the verdict is that the death has been caused by culpable homicide amounting to murder, or to culpable homicide not amounting to murder, or by killing by a rash or negligent act, the Coroner shall bind by recognizance any person knowing or declaring anything material touching such murder, homicide, or killing to appear at the next criminal sessions at which the trial is to be, then and there to prosecute or give evidence against the party charged.

Procedure where verdict amounts to murder, culpable homicide, or killing by negligence.

The Coroner shall certify and subscribe such recognizances, and deliver the same, together with the inquisition and evidence, to the proper officer of the Court in which the trial is to be, before or at the opening of the Court.

Coroner to certify and deliver inquisition, depositions, and recognizances.

The Coroner shall also, where the verdict justifies him in so doing, issue his warrant for the apprehension of the person accused and commit him to prison, or if he be already in prison, issue a detainer to the officer in charge of the jail in which he is.

Warrant against person accused.

26. No inquisition found upon or by any inquest shall be quashed for any technical defect.

Inquisitions not to be quashed for want of form.

In any case of technical defect, a Judge of the High Court may, if he thinks fit, order the inquisition to be amended, and the same shall forthwith be amended accordingly.

Amendment of inquisition.

27. It shall no longer be the duty of any Coroner to enquire of treasure trove or wrecks, or to execute process, or to exercise as Coroner any jurisdiction not expressly conferred by this Act.

Cessation of jurisdiction as to treasure trove and wrecks.

IV.—Coroners' Juries.

28. Whenever any person has been duly summoned to appear as a juror by a Coroner, and fails or neglects to attend at the time and place specified in the summons, the Coroner may cause him to be openly called in his Court three times to appear and serve as a juror; and upon the non-appearance of such person, and proof that such summons has been served upon him, or left at his usual place of abode, may impose such fine upon the defaulter, not exceeding fifty rupees, as to the Coroner seems fit.

Fine on juror neglecting to attend.

The Coroner shall make out and sign a certificate, containing the name and surname, the residence and trade or calling of every person so making default, together with the amount of the fine so imposed, and the cause of such fine,

Certificate as to defaulting juror.

and shall send such certificate to one of the Magistrates of the place of which he is the Coroner,

and shall cause a copy of such certificate to be served upon the person so fined, by having it left at his usual place of residence, or by sending the same through the Post Office, addressed as aforesaid and registered.

Service of copy of certificate.

29. Thereupon such Magistrate shall cause the fine to be levied in the same manner as if it had been imposed by himself.

Levy of fine.

30. Unless in case of necessity, no person who has appeared as a juror on an inquest, or has been summoned to appear, and has not made default, shall, within one year after such appearance or the service of such summons, be summoned to appear as a juror under this Act.

Jurors not to be twice summoned within the year.

31. When an inquest is held on the body of a prisoner dying within a prison, no officer of the prison and no prisoner confined therein shall be a juror on such inquest.

Jurors on inquest on prisoner.

V.—Rights and Liabilities of Coroners.

32. Every Coroner shall be entitled to such salary for the performance of the duty of his office, as is prescribed in that behalf by the Governor General in Council.

Coroner's salary.

33. All disbursements duly made by a Coroner for fees to medical witnesses, hire of rooms for the jury and the like, shall be repaid to him by the Local Government.

Disbursements to be repaid.

34. Every Coroner may from time to time, with the previous sanction of the Local Government, appoint, by writing under his hand, a proper person to act for him as his deputy in the holding of inquests.

Power to appoint deputy.

All inquests taken and other acts done by any such deputy, under or by virtue of any such appointment, shall be deemed to be the acts of the Coroner appointing him:

Provided that no such deputy shall act for any such Coroner except during the illness of the said Coroner, or during his absence for any lawful and reasonable cause.

Every such appointment may at any time be cancelled and revoked by the Coroner by whom it was made.

Revocation of appointment.

35. No Coroner or Deputy Coroner shall be liable to serve as a juror.

Exemption from serving on juries.

36. Coroners and Deputy Coroners are privileged from arrest while engaged in the discharge of their official duty.

Privilege from arrest.

37. Any Coroner or Deputy Coroner failing to comply with the provisions of this Act, or otherwise misconducting himself in the execution of his office, shall be liable to such fine as the Chief Justice of the High Court, upon summary examination and proof of the failure or misconduct, thinks fit to impose.

Penalty for failure to comply with Act.

38. No proceeding for anything done under this Act, or for any failure to comply with its provisions, shall be commenced or prosecuted after the expiration of six months from such fact or failure, nor after tender of sufficient amends.

Limitation of suits.

FIRST SCHEDULE.

Number and year.	Title.	Extent of repeal.
33 Geo. III, cap. fifty-two...	An Act for continuing in the East India Company, for a further term, the possessions of the British territories in India, together with their exclusive trade, under certain limitations; for establishing further Regulations for the government of the said territories and the better administration of justice within the same; for appropriating to certain uses the revenues and profits of the said company; and for making provision for the good order and government of the towns of Calcutta, Madras and Bombay.	Section one hundred and fifty-seven.
9 Geo. IV, cap. seventy-four	An Act for improving the administration of criminal justice in the East Indies.	Sections five and six and (so far as it relates to Coroners) section fifty-one.
Act No. IV of 1848 ...	An Act for regulating Coroners' juries ...	The whole.
Act No. XLV of 1850 ...	An Act to declare the law as to the jurisdiction of Coroners.	The whole.

SECOND SCHEDULE.

Form of Inquisition.

An inquisition taken at on the day of , 187 , before E F, Coroner of on view of the body of A B then and there lying dead, upon the oath of G H, I J, K L and M N, then and there duly sworn and charged to inquire when, how, and by what means the said A B came to his death.

We, the said jurors, find unanimously [*or* by a majority of] that the death of the said A B was caused, on or about the day of 187 , by [*here state the cause of death as in the following examples*—

1. *Cases of homicide*]— a blow on the head with a stick inflicted on him by C D, under such circumstances that the act of C D was justifiable [*or* accidental] homicide.
— a stab on the heart with a knife inflicted on him by C D, under such circumstances that the act of C D was culpable homicide not amounting to murder [*or* culpable homicide amounting to murder, *or* killing by a rash or negligent act.]
2. *Cases of accident*]— falling out of a boat into the river Hughli, whereby he was drowned.
— a kick from a horse which fractured his skull and ruptured blood-vessels in his head.
3. *Cases of suicide*]— shooting himself through the head with a pistol.
— arsenic, which he voluntarily administered to himself.
4. *Cases of sudden death by means unknown*]— disease of the heart.
— apoplexy.
— sunstroke.

And so say the jurors upon their oath aforesaid.

Witness our hands. E F, Coroner of ;
G H, I J, K L, M N, O P (jurors).

REPORT.

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations, to which the Bill to consolidate the laws relating to Coroners has been referred, have the honour to present this preliminary report.

The Bill, as introduced, was intended merely to consolidate the existing law contained in two Statutes and three Acts, and it provided, in the words of 33 Geo. III., cap. 52, sec. 157, that the Coroners should exercise the like jurisdictions as by law might be exercised by Coroners elected for counties in England. We have struck out this provision, which would have necessitated constant reference to English statutes and text-books, and we have in lieu thereof codified such part of the English law of Coroners as seemed adapted to the Presidency towns.

The amended Bill accordingly declares the Coroner's jurisdiction to enquire into deaths by accident, homicide or suicide, sudden deaths by means unknown, and deaths of prisoners in prison. It enables him to order a body to be disinterred. It provides for summoning juries, swearing the jurors, viewing the body, summoning witnesses, and *post-mortem* examinations.

It declares that the evidence shall be taken on oath, that witnesses unacquainted with English shall be examined through an interpreter, that questions suggested by the jury shall be put, and that the Coroner shall take down the material parts of the evidence. Power is given to adjourn the inquest. When the witnesses have been examined, the Coroner will sum up, and the jury will consider of their verdict. When the verdict is delivered, the Coroner will draw up an inquisition setting forth the matters specified in section 24, and in the form given in the second Schedule.

When the verdict amounts to murder, culpable homicide, or killing by a rash or negligent act (the last mentioned offence is about to be added to the Penal Code), the Coroner will bind by recognizance any person acquainted with the facts to appear at the next Sessions, and prosecute or give evidence. The Coroner will also certify the recognizances and deliver them with the inquisition and evidence to the Court in which the trial is to be. He may also issue his warrant for the apprehension of the accused.

The amended Bill (section 27) expressly abolishes the Coroner's jurisdiction as to treasure trove and wrecks, and declares that he shall not be liable to execute process.

The Coroner of Calcutta will, under the amended Bill, be appointed by the Lieutenant-Governor of Bengal, and not by the Governor General in Council.

As to Coroners' juries, we have provided (section 31) that when an inquest is held on the body of a prisoner, no officer of the prison and no prisoner confined therein shall be a juror. There is a similar provision in the Schedule to the English Prisons' Act (28 & 29 Vic. c. 126), clause 48.

As to a Coroner's rights, we have added three clauses (33, 35, 36), one providing for repaying his disbursements for fees to medical witnesses, hire of rooms for the jury, and the like; another exempting him from serving on juries, and a third privileging him from arrest while engaged in the discharge of his official duty.

We have omitted the clause corresponding with Act XII of 1867, section 12, as this will more fitly be placed in the Prisoners' Bill now before the Council.

We have omitted, as unnecessary, the elaborate specification of the informalities in case of which the inquisition may be amended by a Judge of the High Court. For variances between the statements in the inquisition and the evidence, Act XVIII of 1862 (sections 1 and 57) appears to provide sufficiently.

We recommend that the Bill thus amended should, before being passed, be published with this report in the *Gazette of India*, that it be sent to the Governments of Madras, Bombay and Bengal, and that the opinions of those Governments, of the High Courts at the Presidency towns of the Advocates General and of the Coroners be obtained on its provisions.

J. F. STEPHEN.

F. R. COCKERELL.

SIMLA;
The 17th September 1870.

WHITLEY STOKES,
Secretary to the Govt. of India.

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations :—

No. 24 OF 1870.

THE INDIAN REGISTRATION BILL, 1870.

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100. Time for registering instruments executed in British Burma or Coorg before 1st January 1871.

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101. Exemption of certain documents executed by or in favour of Government.
102. Inspection and copies of such documents.
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104. Exemption of Madras inám title-deeds.

FIRST SCHEDULE. Forms of Memoranda of decrees.

SECOND SCHEDULE. Form of Petition under section eighty-four.

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A Bill for the Registration of Assurances.

Preamble.

Whereas it is expedient to consolidate and amend the laws relating to the registration of assurances and other instruments; It is hereby enacted as follows:—

PART I.

Preliminary.

Short title.

1. This Act may be called "The Indian Registration Act, 1870:"

Local extent.

It extends to the whole of British India except the territories administered by the Chief Commissioner of Oudh;

Commencement.

And it shall come into force on the first day of January 1871.

Interpretation-clause.

2. In this Act, unless there be something repugnant in the subject or context,

"Assurance." "Assurance" includes any instrument not testamentary purporting to deal with any interest in, or charge upon, immoveable property:

"Lease." "Lease" includes a counterpart, a kabúliyat, an undertaking to cultivate or occupy, and an agreement to lease; but not a pattá or muchalká, as respectively defined in section three of Act No. VIII of 1865 of the Governor of Fort St. George in Council, executed in the Madras Presidency:

"Bond." "Bond" denotes any instrument by which one person (the obligor) binds himself absolutely or conditionally to pay money to another person (the obligee):

"Bill of exchange." "Bill of Exchange" includes a hundí:

"Signature." "Signed." "Signature" and "signed" include and apply to the affixing of a mark:

"Immoveable Property." "Immoveable Property" includes land, buildings, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops, nor grass:

"Moveable Property." "Moveable Property" includes standing timber, growing crops and grass, fruit upon and juice in trees, and property of every other description, except immoveable property:

"Book." "Book" includes a portion of a Book and also any number of sheets connected together with a view of forming a Book or portion of a Book:

"Endorsement." "Endorsed." "Endorsement" and "endorsed" include and apply to an entry in writing by a Registering Officer on a rider or covering slip to any document tendered for registration under this Act:

"Representative." "Representative" includes the guardian of an infant and the Committee or other legal curator of a lunatic or idiot:

"Addition." "Addition" means the place of residence, and the profession, trade, rank, title or caste (if any) of a person described, and, in the case of a Native, his father's name:

"District Court." "Civil Court." "District Court" includes the High Court in its ordinary original civil jurisdiction: "Civil Court" does not include a Court for the relief of insolvent debtors:

"General Registry Office." "General Registry Office" includes a Branch General Registry Office:

"District." "Sub-District." "District" and "Sub-District" respectively mean a District and Sub-District formed under this Act.

Enactments repealed.

3. Act No. XXII of 1864, sections ten and forty-five, Act No. XX of 1866, and Act No. XXVII of 1868 are hereby repealed.

All appointments, rules and orders made, and all offices established, under any of the said Acts shall be deemed to have been made and established under this Act, except in so far as such rules and orders may be inconsistent herewith.

References made in Acts passed before the first day of January 1871, to any enactment hereby repealed, shall be read as if made to this Act.

PART II.

Of the Registration Establishment.

General Registry Office.

4. The Local Government shall establish within the territories under such Government, at such place as it thinks fit, an office to be called the General Registry Office, and shall appoint an officer to the charge of such office, who shall be the Registrar General of the territories for which he is appointed.

Branch General Registry Office.

The Local Government may also, with the previous sanction of the Governor General of India in Council, establish a Branch General Registry Office, and appoint a Branch Registrar General; and every act done by or before any branch Registrar General so appointed, shall have the same effect as if done by or before a Registrar General:

provided that such branch Registrar General shall not exercise the power to frame rules hereinafter conferred on the Registrar General.

Any Registrar General or branch Registrar General may hold simultaneously any other office under Government.

Districts and Sub-Districts.

5. For the purposes of this Act, the Local Government shall form Districts and Sub-Districts, and shall prescribe and from time to time may alter the limits of such Districts and Sub-Districts.

A Sub-District may be conterminous with a District, or may be situate partly in one District and partly in another.

The Districts and Sub-Districts formed under this section, together with the limits thereof and every alteration of such limits, shall be notified by the Local Government in the official *Gazette* immediately after every such formation or alteration.

Every such alteration shall take effect on such day after the date of the notification as shall be mentioned therein.

Registry and Sub-Registry Offices.

6. The Local Government shall establish in every District an office to be styled the Registry Office, and in every Sub-District an office to be styled the Sub-Registry Office.

Registrars and Sub-Registrars.

7. The Local Government may appoint such persons, whether public officers or not, as it thinks proper, to be Registrars of the several Districts, and to be Sub-Registrars of the several Sub-Districts, formed as aforesaid, respectively.

Military Cantonments may be declared Sub-Districts.

8. The Local Government may declare any Military Cantonment to be a Sub-District for the purposes of this Act.

The Cantonment Magistrate of any Cantonment so declared to be a Sub-District shall be the Sub-Registrar thereof.

Whenever the Governor General in Council declares any Military Cantonment beyond the limits of British India to be a Sub-District for the purposes of this Act, he shall also declare what authorities shall be deemed to be Registrar of the District and Registrar General, respectively, with reference to such Cantonment and the Sub-Registrar thereof.

Deputy Registrar General.

9. During the absence on duty of the Registrar General, or branch Registrar General, from the place where the General Registry Office is established, he may appoint the Registrar of such place, or, with the previous sanction of the Local Government, such other person as he thinks fit, to perform the duties of the Registrar General, except those mentioned in sections eighty and eighty-three.

A Registrar so appointed shall perform such duties in addition to his own duties as Registrar.

During such absence, the Registrar or other person so appointed as aforesaid, shall be styled the Deputy Registrar General or Deputy Branch Registrar General, as the case may be, and may use the seal of the Registrar General or Branch Registrar General, as the case may be.

Absence of a Registrar from his District or vacancy in his office.

10. In case of the absence from his District, or of a vacancy occurring in the office of any Registrar other than the Registrar of a District including a Presidency Town, any person whom the Registrar General appoints in this behalf, or, in default of such appointment, the Judge of the District Court, or, when there are more District Courts than one, the Judge of such of the said Courts as the Local Government appoints, shall, during such absence or vacancy, be the Registrar.

In case of the absence of the Registrar of a District including a Presidency Town, or of a vacancy occurring in the office of any such Registrar, the Registrar General may appoint any person whom he thinks proper to conduct the duties of such office.

Absence of Registrar from office on duty in his District.

11. In case of the absence of any Registrar from his office on duty in his District, he may appoint any Sub-Registrar in his District to perform, during such absence, all the duties of a Registrar, except those mentioned in sections seventy-nine and eighty-three.

Absence of Sub-Registrar or vacancy in his Office.

12. In case of the absence of any Sub-Registrar, or of a vacancy occurring in the office of any Sub-Registrar, any person whom the Registrar of the District appoints in this behalf shall, during such absence or vacancy, be Sub-Registrar.

Appointments under sections nine, ten, eleven or twelve to be reported to Local Government.

13. All appointments made under section nine, ten, eleven or twelve, shall be reported to the Local Government by the Registrar General or branch Registrar General, as the case may be.

Such report shall be either special or general, as the Local Government directs; and the Local Government may

Suspension, removal and dismissal of Registering Officers.

suspend, remove or dismiss any person appointed under the provisions of this Act, and appoint another person in his stead.

Remuneration and establishments of Registering Officers.

14. The Local Government may, with the previous sanction of the Governor General of India in Council, assign such salaries as such Government from time to time deems proper, to the Registering Officers appointed under this Act, or provide for their remuneration by fees, or partly by fees, and partly by salaries.

The Local Government may also, with the like sanction, allow such establishments for the several Registration Offices as are necessary for the purposes of this Act.

Seals of Registering Officers

15. The Registrar General, branch Registrar General, and the several Registrars and Sub-Registrars, shall use a seal bearing the following inscription in English and in such other language as the Local Government directs:—"The seal of

the Registrar General (*or* of the branch Registrar General, *or* of the Registrar, *or* of the Sub-Registrar) of ."

Register-Books.

16. The Local Government shall provide for the office of every Registering Officer the books necessary for the purposes of this Act.

Forms.

The books so provided shall contain the forms from time to time prescribed by the Registrar General, with the sanction of the Local Government, and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

Fire-proof boxes.

The Local Government shall supply the office of every Registrar with a fire-proof box.

PART III.

Of Registrable Documents.

Instruments of which the registration is compulsory.

17. The documents next hereinafter mentioned shall be registered, if the property to which they relate is situate in a District in which, and if they have been executed on or after the date on which, the said Act No. XVI of 1864, or Act No. XX of 1866, or this Act came or shall come into force (that is to say),—

(1) Instruments of gift of immoveable property:

(2) Assurances (other than an instrument of gift) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title, interest, or charge, whether vested or contingent, of the value of one hundred rupees and upwards, in or on immoveable property:

(3) Instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title, interest or charge:

(4) Leases of immoveable property from year to year, or for any term exceeding one year, or reserving a yearly rent:

Exception of composition-deeds;

The former part of this section does not apply to any composition-deed nor to any instrument relating to shares in a Joint Stock Company, notwithstanding that the assets of such Company consist in whole or in part of immoveable property, nor to any endorsement upon or transfer of any debenture issued by any such Company:

and of transfers of shares and debentures in Land Companies.

And, so far only as regards the territories respectively under the government of the Lieutenant-Governors of Bengal and the North-Western Provinces, the Local Government may, by order published in the official *Gazette*, exempt from the operation of the former part of this section any leases of immoveable property, executed in any particular District, or part of a District, the terms granted by which do not exceed two years and the annual rents reserved by which do not exceed fifty rupees.

(5) Authorities to adopt a son executed after this Act comes into force shall also be registered.

Documents of which the registration is optional.

18. Any of the documents next hereinafter mentioned may be registered under this Act (that is to say),—

(1) Assurances (other than an instrument of gift) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title, interest or charge, whether vested or contingent, of a value less than one hundred rupees to, in or on immoveable property:

(2) Instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title, interest or charge:

(3) Leases of immoveable property for any term not exceeding one year, and the pattás and muchalkás referred to in section two:

(4) Awards relating to immoveable property:

(5) Instruments which purport or operate to create, declare, assign, limit or extinguish any right, title, interest or charge to, in or on moveable property:

(6) Wills not purporting to confer an authority to adopt a son:

(7) Acknowledgments, Agreements, Appointments, Articles of Partnership, Assignments, Awards, Bills of Exchange, Bills of Sale, Bonds, Composition-deeds, Conditions of Sale, Contracts, Covenants, Grants, Instruments of Dissolution of Partnership, Instruments of Petition, Powers of Attorney, Promissory Notes, Releases, Settlements, Writings of Divorcement, and all other documents not hereinbefore mentioned.

Documents in language not understood by Registering Officer.

19. If any document duly presented for registration be in a language which the Registering Officer does not understand, and which is not commonly used in the District, he shall refuse to register the document, unless it be accompanied by a true translation into a language commonly used in the District and also by a true copy.

Documents containing interlineations, blanks, erasures or alterations.

20. The Registering Officer may in his discretion refuse to accept for registration any document in which any interlineation, blank, erasure or alteration appears, unless the persons executing the document attest with their signatures or initials such interlineation, blank, erasure or alteration; and the officer registering such document, at the time of registering the same, shall make a note in the register of such interlineation, blank, erasure or alteration.

Description of parcels.

21. *(a.)* No document not testamentary relating to immoveable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same.

(b.) Houses in towns shall be described as situate on the north or other side of the street or road (mentioning it) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered. Other houses and lands shall be described by their name, if any, and as being in the territorial division in which they are situate and by their superficial contents, the roads and other properties on which they abut, and their existing occupancies, and also, whenever it is practicable, by reference to a Government map or survey.

Documents containing maps or plans.

(c.) No document not testamentary containing a map or plan of any property comprised therein shall be accepted for registration unless it be accompanied by a true copy of the map or plan, or, in case such property is situate in several Sub-Districts, by such number of true copies of the map or plan as are equal to the number of such Sub-Districts, and, in case the property is also situate in several Districts, by such further number of true copies of the map or plan as is equal to the number of such Districts.

Failure to comply with rules as to description of houses and land.

22. Failure to comply with the provisions contained in clause *(b)* of section twenty-one shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify such property.

PART IV.

Of the Time of Presentation.

Time for registering instruments of which the registration is compulsory.

23. Subject to the provision contained in section twenty-five, no document of the kinds mentioned in section seventeen, clauses 1, 2, 3 and 4, shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution:

Provided that, where there are several persons executing it at different times, the instrument may be presented for registration and re-registration within four months from the date of each execution.

Time for registering documents of which the registration is optional.

24. Subject to the provision contained in section twenty-five, no document of any of the kinds mentioned in section eighteen (other than a will), shall be accepted for registration, unless presented for that purpose to the proper officer within two months from the date of its execution:

Provided that, where there are several persons executing it at different times, the document may be presented for registration and re-registration within two months from the date of each execution.

Explanation.—The date of execution of a document means the day on which it purports to have been executed.

Provision where delay in registering is unavoidable.

25. If owing to urgent necessity or unavoidable accident, any document is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registrar, in cases where the delay in presentation does not exceed four months, may direct that on payment as a penalty of a sum not exceeding twenty times the amount of the proper registration fee, such document shall be accepted for registration.

Any application for such direction may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

Provision for last day of period for presentation falling on holiday.

26. Whenever the last day of any period hereinbefore provided for the presentation of any document falls on a Sunday or other holiday declared as hereinafter mentioned, such last day shall, for the purposes of this Act, be deemed to be the day immediately following such Sunday or other holiday.

Wills and authorities to adopt may be presented or deposited at any time.

27. A will or an authority to adopt a son may at any time be presented for registration or deposited in manner hereinafter provided.

Saving of time prescribed by Statute for registration.

28. Nothing in this Act shall alter the time within which any certificate or other document must be registered under the provisions of any Act of the Parliament of the United Kingdom of Great Britain and Ireland.

PART V.

Of the Place of Registration.

Place for registering instruments relating to immoveables.

29. Save as in this Part otherwise provided, every document mentioned in section seventeen, clauses 1, 2, 3 and 4, and section eighteen, clauses 1, 2, 3 and 4, shall be presented for registration in the office of a Sub-Registrar within whose Sub-District the whole or some portion of the property to which such document relates is situate.

Place for registering other instruments.

30. Every document other than a document referred to in section twenty-nine, may be presented for registration in the office of the Sub-Registrar in whose Sub-District the document was executed, or in the office of any Sub-Registrar under the Local Government at which all the persons executing and claiming under the document desire the same to be registered.

Registration by Registrar General of documents referred to in section 29.

31. The Registrar General may in his discretion receive and register any document referred to in section twenty-nine, without regard to the situation in any part of British India of the property to which the document relates.

Registration by Registrar.

32. Any Registrar may in his discretion receive and register any document which might be registered by any Sub-Registrar subordinate to him.

The Registrar of a District shall be deemed to be a Sub-Registrar within the meaning of this Act for such portion of his District (if any) as shall not have been formed into a Sub-District.

Registration or acceptance for deposit at private residence.

33. In ordinary cases the registration or deposit of documents under this Act shall be made only at the public office of the officer whose duty it shall be to register the same; but any such officer may on special cause being shown attend at the residence of any person intending to register any document, or of any person desiring

to deposit a will or authority to adopt a son, and register or accept for registration or deposit such document, will or authority.

Every Sub-Registrar so attending shall within twenty-four hours report to the Registrar to whom he is subordinate the fact of the attendance and his reason therefor.

PART VI.

Of the Presentation of Instruments for Registration.

34. Subject to the provisions of section thirty-three, every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper Registration Office,

Persons to present documents for registration.

by some person executing or claiming under the same,

or by the representative or assign of such person,

or by the agent of such person, representative or assign, duly authorized by power of attorney executed and authenticated in manner hereinafter mentioned.

35. For the purposes of section thirty-four, the powers of attorney next hereinafter mentioned shall alone be recognized (that is to say),—

Powers of attorney recognizable for purposes of section 34.

(a) if the principal at the time of executing the power of attorney resides in any part of British India other than Oude, a power of attorney executed before and authenticated by the Registrar or Sub-Registrar within whose District or Sub-District the principal resides:

(b) if the principal at the time aforesaid resides in Oude, a power of attorney executed before and authenticated by the Deputy Commissioner within the local limits of whose jurisdiction the principal resides:

(c) if the principal at the time aforesaid does not reside in British India, a power of attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India:

Any power of attorney mentioned in this section may be proved by the production of it without further proof, when it purports on the face of it to have been executed before and authenticated by the person or court hereinbefore mentioned in that behalf:

Provided that the following persons shall not be required to attend at the office of the Registrar or Sub-Registrar, or in the Court of the Judge, for the purpose of executing any such power of attorney as is mentioned in clauses *(a)* and *(b)* of this section:—

Proviso as to persons infirm, or in jail, or exempt from appearing in Court.

persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend;

persons who are in jail under civil or criminal process; and

persons exempt by law from personal appearance in Court.

In every such case the Registrar or Sub-Registrar or Judge (as the case may be), if satisfied that the power of attorney has been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at the office or court aforesaid.

To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Judge may either himself go to the house of the person purporting to be the principal, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

36. Subject to the provisions contained in this section and in sections seventy-six, eighty, eighty-four and eighty-nine, no document shall be registered under this Act, unless the persons executing such document, or their representatives, assigns or agents authorized as aforesaid, appear before the registering officer within the time allowed for presentation.

Enquiry before registration by the registering officer.

Such appearances may be simultaneous or at different times.

The registering officer shall thereupon enquire whether or not such document was executed by the persons by whom it purports to have been executed, and, in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the persons they represent themselves to be, and if they all admit the execution of the document;

or, in the case of any person appearing by a representative, assign or agent, if such representative, assign or agent admits the execution;

or, if the person executing the document is dead, and his representative, assign or agent does not appear before the registering officer, but such officer is nevertheless satisfied of the fact of execution,

the registering officer shall register the document as directed in section sixty-eight.

The registering officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine any one, whether summoned or not under section thirty-seven, present in his office.

If all or any of the persons by whom the document purports to be executed deny its execution, or if any such person appears to be a minor, an idiot, or a lunatic, the registering officer shall refuse to register the document.

PART VII.

Of the enforcement of attendance of executants and witnesses.

37. If any person presenting any document for registration desires the attendance of any person whose presence or testimony is necessary for the registration of such document, the registering officer may, in his discretion, call upon such revenue or civil court as the Local Government directs in this behalf to issue and serve a summons requiring him to attend at the registry office, either in person or by duly authorised agent, as in the summons may be mentioned and at a time named therein.

Procedure where attendance of executant or witness is desired.

38. The Court, upon receipt of the peon's fee payable in such cases, shall issue the summons accordingly, and cause it to be served upon the person whose attendance is so required.

Revenue officer to issue and cause service of summons.

39. A person who by reason of bodily infirmity is unable without risk or serious inconvenience to attend at the registry office,

Persons exempt from attendance at registry office.

a person in jail under civil or criminal process,

and persons exempt by law from personal appearance in court, and who would but for the provision next hereinafter contained be required to attend in person at the registry office,

shall not be required so to attend.

In every such case, the registering officer shall either himself go to the house of such person, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

40. The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before civil courts, shall, save as aforesaid and *mutatis mutandis*, apply to any summons or commission, issued, and any person summoned to appear under the provisions of this Act.

Law as to summonses, commissions and witnesses in this Act.

PART VIII.

Of registering memoranda of decrees and orders affecting immoveable property.

41. When any civil or revenue court by a decree or order declares any document relating to immoveable property, which has been registered under this Act or any Act hereby repealed, to be invalid,

Memorandum of decree affecting registered document relating to immoveable property.

or when any civil or revenue court passes a decree or order affecting any such document, and such last-mentioned decree or order creates, declares, transfers, limits or extinguishes any right, title, interest or charge of the value of one hundred rupees and upwards under such document to, in or on the immoveable property to which it relates,

the Court, on the application of the party in whose favour the decree or order is made, shall cause a memorandum thereof to be prepared, and the Judge or presiding officer shall sign such memorandum and deliver it to the said party,

and the said party shall, within four months from the date of the decree or order, present or send such memorandum, together with the fee payable for registering the same, to the Registrar within whose District the document was originally registered.

Every such memorandum shall be in the form set forth in the first part of the first schedule hereto annexed.

42. When any civil or revenue court by a decree or order creates, declares, transfers, limits or extinguishes any right, title, interest or charge, of the value of one hundred rupees or upwards, of any person to, in or on any immoveable property situate in any part of British India except Oudh,

Memorandum of decree affecting immoveable property.

the presiding officer of the Court, on the application of the party in whose favour the decree or order is made, shall prepare and sign and deliver to him a memorandum thereof,

and the said party shall, within four months from the date of the decree or order, present or send such memorandum, together with the fee payable for registering the same, to the Registrar, or to every Registrar, within whose District the whole or any part of such immoveable property is situate.

Every such memorandum shall, so far as may be practicable, describe the property in manner required by section twenty-one, and shall be in the form set forth in the second part of the first Schedule hereto annexed.

43. When any decree or order mentioned in section forty-one or section forty-two is made in favour of more parties than one, the said application may be made by any one of such parties, and the Court shall deliver the memorandum to him.

Decrees in favour of several parties.

No decree or order mentioned in section forty-one or section forty-two shall be of any force, unless and until a memorandum thereof has been registered in manner provided by this Act.

Decrees mentioned in section 41 or section 42, not to be of any force until memoranda registered.

PART IX.

Of the Presentation and Deposit of Wills and Authorities to adopt.

44. The testator or any person claiming as executor or otherwise under a will, may present to any Sub-Registrar for registration such will,

Persons entitled to present for registration wills and authorities to adopt.

and the donor or donee of any authority to adopt, or the adoptive son, may present to any Sub-Registrar for registration such authority.

Any person entitled to present for registration any such will or authority may, either personally or by a duly authorized agent, present to a Sub-Registrar such will or authority open, and any testator or donor of such authority may either personally or by duly authorized agent deposit with any Sub-Registrar the will or authority in a sealed cover superscribed with the name of the depositor and the nature of the document.

Presentation and deposit of wills and authorities to adopt.

45. If the depositor of any such sealed cover wishes to withdraw the same, he may apply to the Registrar to whom such cover shall have been sent under section seventy-four that the cover be delivered to him; and the Registrar, if satisfied as to the identity of the depositor with the applicant, shall deliver the cover accordingly.

Withdrawal of sealed cover deposited under section 44.

46. If on the death of the depositor of a sealed cover under section forty-four, application be made to the Registrar to whom such cover shall have been so sent to open the same, the

Proceedings on death of depositor.

Registrar, if satisfied that the depositor is dead, shall, in the applicant's presence, open the cover, and copy at the applicant's expense the contents thereof in his Book No. 4.

When such copy has been made, the Registrar shall re-deposit the original will or authority.

Re-deposit.

PART X.

Of the effects of Registration and Non-Registration.

47. A registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration.

Time from which registered document operates.

48. All documents, not testamentary, duly registered under this Act and relating to any immoveable property, shall take effect against any oral agreement or declaration relating to such property, whether possession thereof has or has not been delivered.

Registered documents relating to land to take effect against oral agreements.

49. All documents, not testamentary, duly registered under this Act, and relating to any moveable property, shall take effect against any oral agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession.

Registered documents relating to moveables when to take effect against oral agreements.

50. No instrument required by section seventeen to be registered, and no part of any such instrument, shall be received in evidence for any purpose whatever in any civil proceeding in any court,

or shall be acted on by any public servant as defined in the Indian Penal Code,

or shall affect any property comprised therein,

unless the instrument has been registered in accordance with the provisions of this Act.

Effect of non-registration of documents required to be registered.

Illustration 1.—A executes a bond for one thousand rupees and mortgages certain land to B to secure the payment of the hundred rupees by way of collateral security for the re-payment of the one thousand rupees. The bond is not receivable in evidence for the purpose of proceeding against A personally the re-payment of the money enforced thereby.

Illustration 2.—A executes a conveyance of land worth more than one hundred rupees. The conveyance recites the receipt of the purchase-money. The recital cannot be received in evidence except in a criminal proceeding.

51. Every instrument of the kinds mentioned in clauses 1, 2 and 3 of section eighteen, shall, if duly registered, take effect as regards the property comprised therein, against every unregistered instrument executed after this Act comes into force and relating to the same property, whether such other instrument be of the same nature as the registered instrument or not.

Registered instruments relating to immoveables, of which the registration is optional, to take effect against unregistered instruments.

Special Registration of Bonds, Bills of Exchange, and Promissory Notes.

52. Whenever the obligor and obligee of a bond,

or the drawer, acceptor, or an indorser and the payee or an indorsee of a bill of exchange,

or the maker or an indorser and the payee or an indorsee of a promissory note,

agree that, in the event of the obligation resulting from the bond, bill or note not being duly satisfied, the amount secured thereby may be recovered in a summary way, and, at the time of registering the bond, bill or note, apply to the registering officer to record the said agreement, the registering officer, after making such enquiries as he thinks proper, shall record such agreement at the foot of the endorsement and certificate required by sections sixty-six and sixty-eight,

and such record shall be signed by him and by the obligor, drawer, acceptor, maker or indorser, or by some person expressly authorised in this behalf by a power of attorney from such obligor, drawer, acceptor, maker or indorser,

and shall be copied into the Register Book No. 1 or No. 6, as the case may be,

and shall be *primâ facie* evidence of the said agreement.

Record of agreement that amount secured by a bond may be recovered summarily.

53. Within one year from the date on which the amount becomes payable,

or, where the amount is payable by instalment, within one year from the date on which any instalment becomes payable,

the said obligee, payee or indorsee may present a petition to any court which would have had jurisdiction to try a regular suit on such bond, bill or note for the amount secured thereby, or for the instalment sought to be recovered.

The petition may be amended by permission of the court and the statements in the petition shall be verified by the petitioner in manner required by law for the verification of plaints.

Enforcement of such agreement.

Amendment and verification of petition.

On production in court of the bond, bill or note and of the said record signed as aforesaid, the petitioner shall be entitled to a decree for any sum not exceeding the sum mentioned in the petition together with interest at the rate specified (if any) to the date of the decree, and a sum for costs to be fixed by the court.

Decree.

Such decree may be enforced forthwith against the obligor, drawer, acceptor, maker or indorser signing as aforesaid, under the provisions for the enforcement of decrees contained in the Code of Civil Procedure.

54. In any proceedings under this Part of this Act, the court may order the bond, bill, or note sought to be proceeded upon to be forthwith deposited with an officer of the court, and may further order that all proceedings be stayed until the petitioner has given security for costs thereof.

Power to order bond to be deposited in Court.

55. After decree, the court may under special circumstances set aside the decree, and if necessary stay or set aside execution; but there shall be no appeal against any decree or order made under section fifty-three, section fifty-four, or this section.

Court may, under special circumstances, set aside decree.

PART XI.

Of the duties and powers of Registering Officers.

(A.) As to the Register Books and Indexes.

56. The following Books shall be kept in the several offices hereinafter named (that is to say),—

Register Books to be kept in the several offices.

In all Registry Offices—

Book 1, "Register of instruments relating to immoveable property;"

Book 2, "Record of reasons for refusal to register:"

In the Offices of Sub-Registrars—

Book 3, "Register of deposits of wills and authorities to adopt;" and

In the Offices of Registrars and of Sub-Registrars—

Book 4, "Register of wills and authorities to adopt;"

Book 5, "Register of Decrees and Orders;"

Book 6, "Miscellaneous Register."

In Book 1 shall be entered all documents registered under section seventeen and the first four clauses of section eighteen, and all other documents mentioned in section eighteen, clause 7, which relate to immoveable property.

In Book 5 shall be filed all memoranda of decrees and orders sent under section forty-two.

In Book 6 shall be entered all documents registered under clauses 5 and 7 of section eighteen, and not entered in Book 1 or in Book 5.

57. The day, hour and place of presentation, and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting the same; a receipt for such document shall be given by the registering officer to the person presenting the same; and, subject to the provisions contained in section seventy, every document admitted to registration shall without unnecessary delay be copied in the Book appropriated therefor according to the order of its presentation.

Documents to be copied according to order of presentation.

58. All entries in each book shall be numbered in a consecutive series which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

Entries to be numbered consecutively.

59. In every office in which any of the books next hereinafter mentioned are kept, there shall be prepared current indexes of the contents of such books; and every entry in such indexes shall be made, so far as practicable, in alphabetical order and immediately after the document to which it relates has been copied by or by order of the registering officer.

Current indexes and entries therein.

60. Two such indexes shall be made in all registry offices, and shall be named, respectively, Index No. I. and Index No. II.

Indexes to be made by registering officers.

Index No. I. shall contain the names and additions of all persons executing and of all persons claiming under every document copied into Books Nos. 1, 3 or 4, and the name of the first plaintiff and first defendant in the suit in the case of all memoranda filed in Book No. 5.

Index No. II. shall contain such particulars mentioned in section twenty-one, relating to every such document, as the Registrar General from time to time directs in that behalf.

A third index to be called Index No. III. shall be made by Registrars and Sub-Registrars, and shall contain the names and additions of all persons executing and of all persons claiming under every document copied into Book No. 6.

Indexes Nos. I., II. and III. shall also contain such other particulars, and shall be prepared in such form, as the Registrar General from time to time directs.

Extra particulars in indexes.

61. Every Sub-Registrar shall send to the Registrar to whom he is subordinate, at such intervals not exceeding one month as the Registrar General from time to time directs, two copies of all entries made by such Sub-Registrar during the last of such intervals in Indexes Nos. I. and II.

Two copies of entries in Indexes Nos. I. and II. to be sent by Sub-Registrar to Registrar.

62. Every Registrar receiving such two copies shall in every month file one of such copies in his Indexes Nos. I. and II., respectively; and, at such intervals as the Registrar General from time to time directs, shall send the other of such copies to the general registry office.

One of each pair of copies received by Registrar from Sub-Registrar to be filed in Registrar's indexes, and the other to be sent to general registry office.

Every Registrar shall also send to the general registry office a copy of all the entries which he shall have made in his Indexes Nos. I. and II., respectively, during the last of such intervals.

Copy of entries in Registrar's indexes.

63. On the receipt in the general registry office of the copies so sent by the Registrar, they shall be filed in the Indexes Nos. I. and II., respectively, kept in such office.

Copies sent by Registrar to be filed in indexes of general registry office.

64. If the Registrar General so directs, an alphabetical index shall be prepared in every registration office at the end of each year of all entries made during the past year in the current indexes in such office; and in every

Annual alphabetical index to entries in indexes.

office in which Book No. 2 is kept, an alphabetical index shall be prepared at the end of each year to the entries made in such book during the past year.

Registering officers to allow inspection of certain books and indexes, and to give certified copies of entries.

65. Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1, 2 and 5 and the indexes relating to such books shall be at all times open to inspection by any person applying to inspect the same; and subject to the provisions of section seventy, copies of entries in such books shall be given to all persons applying for such copies.

Subject to the same provisions, copies of entries in Books Nos. 3, 4 and 6 and in the indexes relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer; but the requisite search for such entries shall be made only by the registering officer.

Such copies shall be signed and sealed by the registering officer, and shall be *primâ facie* evidence of the contents of the original documents.

(B.)—As to the procedure on admitting to registration.

Particulars to be endorsed on documents admitted to registration.

66. On every document admitted to registration, there shall be endorsed from time to time the following particulars (that is to say),—

(1) the signature and addition of every person admitting the execution of the document; and, if such execution has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent;

(2) the signature and addition of every person examined in reference to such document under any of the provisions of this Act; and

(3) any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution.

If any person admitting the execution of a document declines to endorse the same, the registering officer shall refuse to register it.

Such endorsements to be dated and signed by registering officer.

67. The registering officer shall affix the date and his signature to all endorsements mentioned in the last preceding section, relating to the same document and made in his presence on the same day.

Certificate showing that document has been registered, and number and page of Book in which it has been copied.

68. After such of the provisions of sections thirty-six, sixty-six, and sixty-seven as apply to the case have been complied with, the registering officer shall endorse on the document a certificate containing the word "registered," together with the number and page of the Book in which the document has been copied.

Such certificate shall be signed, sealed and dated by the registering officer and shall then be *primâ facie* evidence that the document has been duly registered in manner provided by this Act, and that the facts mentioned in the endorsements referred to in section sixty-seven have occurred as therein mentioned.

Endorsements and certificate to be copied.

69. The endorsements and certificate mentioned in sections sixty-seven and sixty-eight shall thereupon be copied into the margin of the Register Book, and the copy of the map or plan (if any) mentioned in section twenty-one shall be filed in Book No. 1.

Document to be returned.

The registration of the document shall thereupon be deemed complete, and the document shall then be returned to the person who presented the same for registration, or to such other person (if any) as he has nominated in writing in that behalf on the receipt mentioned in section fifty-seven.

Procedure on presentation of a document in a language unknown to the registering officer.

70. When a document is presented for registration under section nineteen, the translation shall be transcribed in the register of instruments of the nature of the original, and, together with the copy referred to in section nineteen, shall be filed in the registry office.

The endorsements and certificate respectively mentioned in sections sixty-seven and sixty-eight shall be made on the original, and for the purpose of making the other copies required by sections seventy-two, seventy-three, seventy-four, and seventy-eight, the translation shall be treated as if it were the original.

Power to administer oaths.

71. Every registering officer may at his discretion administer an oath to any person examined by him under the provisions of this Act.

Record of substance of statements.

He may also at his discretion record a note of the substance of the statement made by each such person, and such statement shall be read over, or (if made in a language with which such person is not acquainted) interpreted to him in a language with which he is acquainted, and if he admits the correctness of such note, it shall be signed by the registering officer.

Every such note so signed shall be admissible as *primâ facie* evidence of the facts therein stated.

(C.)—Special duties of Sub-Registrar.

Procedure on Sub-Registrar's registration of document relating to immoveable property situate in several Sub-Districts.

72. Every Sub-Registrar on registering a document relating to immoveable property which is not wholly situate in his own Sub-District, shall forward a copy thereof and of the endorsement and certificate thereon, and of the map or plan (if any) mentioned in section twenty-one, to every other Sub-Registrar subordinate to the same Registrar as himself in whose Sub-District any part of such property is situate, and every such Sub-Registrar shall file such copies in his Book No. 1.

Procedure on Sub-Registrar's registration of document relating to immoveable property situate in several Districts.

73. Every Sub-Registrar on registering a document relating to immoveable property situate in more Districts than one, shall also forward a copy thereof and of the endorsement and certificate thereon, together with such number of copies of the map or plan (if any) mentioned in section twenty-one as may be necessary, to the Registrar of every District in which any part of such property is situate other than the District in which his own Sub-District is situate.

The Registrar on receiving the same shall enter in his Book No. 1 the copy of the document and one of the copies of the map or plan (if any), and shall forward a copy of the document together with a copy of the map or plan (if any) to each of the Sub-Registrars subordinate to him within whose Sub-District any part of such property is situate; and every Sub-Registrar receiving such copies shall file the same in his Book No. 1.

Registration of wills and authorities to adopt.

74. A will and an authority to adopt, presented for registration by the testator or donor, may be registered in the same manner as any other document.

A will or authority to adopt presented for registration by any person entitled to present the same, other than the testator or donor, shall be registered if the Sub-Registrar is satisfied

(1) that the will or authority was executed by the testator or donor, as the case may be,

(2) that the testator or donor is dead, and

(3) that the person presenting the will or authority is, under section forty-four, entitled to present the same.

Procedure on deposit of wills or authorities to adopt.

75. On receiving for deposit a sealed cover under section forty-four, the Sub-Registrar, if satisfied that the depositor is the testator or donor, as the case may be, or his duly authorized agent, shall transcribe in his Register Book No. 3 the superscription on such sealed cover, and note in the register and on the sealed cover the year, month, day and hour of such presentation and receipt, together with the name of the depositor, and the name of each of the persons testifying to the identity of such depositor, and the inscription so far as it is legible on the seal of the cover.

The Sub-Registrar shall then send the cover to the Registrar to whom he is subordinate, and the Registrar shall, on receipt thereof, retain the sealed cover in his fire-proof box.

Saving of Act X of 1865, section 259.

Nothing in this section or in section forty-six shall be deemed to affect the provisions of the Indian Succession Act, section two hundred and fifty-nine, or the power of any Court by order to compel the production of any will for the purposes of granting probate or letters of administration with the will annexed. But whenever any such order is made, the Registrar shall copy the will in his Book No. 4 and make a note on such copy that the original has been removed into court in pursuance of the order aforesaid.

(D.)—Special duties of Registrar.

Procedure on registering instruments under section 32.

76. On registering any instrument not testamentary relating to immoveable property under section thirty-two, the Registrar shall forward a copy of such instrument, together with a copy of the map or plan (if any) mentioned in section twenty-one, to each Sub-Registrar subordinate to himself in whose Sub-District any part of such property is situate.

He shall also forward a copy of such instrument, together with such number of copies of the map or plan if (any) mentioned in section twenty-one, as may be necessary, to any other Registrar in whose District any part of such property is situate.

Every Sub-Registrar and Registrar, on receiving any such copy or copies, shall follow the procedure prescribed for them, respectively, in section seventy-three.

Procedure on receipt of memorandum under section forty-one.

77. Every memorandum received under section forty-one shall be copied in the margin of the part of the book in which the document affected by such memorandum is registered; and for this purpose the Registrar shall send a copy of such memorandum to every Sub-Registrar in his District in whose office the said document is registered, who shall copy such memorandum in the margin of the copy of the document registered in his office.

When any such memorandum relates to immoveable property situate in more Districts than one, the Registrar receiving the same shall also send a copy thereof to every other Registrar within whose District any part of such property is situate, who shall on receiving such copy follow the procedure prescribed for a Registrar in the first clause of this section.

Procedure on receipt of memorandum under section 42.

Every memorandum received by a Registrar under section forty-two shall be filed by him in his Register Book No. 5, and he shall then send a copy thereof to every Sub-Registrar subordinate to himself in whose Sub-District any part of such property is situate, and every such Sub-Registrar shall file it in his Register Book No. 5.

(E.)—Of the Registrar General.

Procedure on registration in general registry office.

78. On any instrument being registered in the general registry office under section thirty-one, a copy of such instrument and of the endorsements and certificate thereon shall be forwarded to every Registrar within whose District any part of the property to which the instrument relates is situate.

The Registrar receiving such copy shall follow the procedure prescribed for him in section seventy-three.

(F.)—Of the controlling powers of Registrars and Registrars General.

Registrar to superintend and controul Sub-Registrars.

79. Every Sub-Registrar shall perform the duties of his office under the superintendence and controul of the Registrar in whose District the office of such Sub-Registrar is situate.

Every Registrar shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act which he considers necessary in respect of any act or omission of any Sub-Registrar subordinate to him, or in respect

of the rectification of any error regarding the Book or the office in which any document shall have been registered.

80. The Registrar General shall exercise a general superintendence over all the registry offices in the territories under the Local Government, and shall have power from time to time to frame rules consistent with this Act—

Powers of Registrar General.

Power to frame rules.

providing for the safe custody of books, papers and documents, and also for the destruction of such books, papers and documents as need no longer be kept;

declaring the languages in which and the materials on, in and with which documents presented for registration are to be written or printed, the size of such documents and the extent of blank space to be left thereon;

declaring what territorial divisions shall be recognized under section twenty-one;

regulating the amount of penalties imposed under section twenty-four;

regulating the exercise of the discretion reposed in the registering officer by sections fifty-two and seventy-one;

declaring the particulars to be contained in Indexes Nos. I, II and III, respectively;

declaring the holidays that shall be observed in the registry offices;

and, generally, regulating the proceedings of the Registrars and Sub-Registrars under him.

The rules so framed shall be submitted to the Local Government for approval, and, after they have been approved, they shall be published in the official *Gazette*, and shall then have the same force as if they were inserted in this Act.

81. No order shall be made to cancel the registration of any document under this Act, or under any Act hereby repealed.

No order to cancel registration.

PART XII.

Of refusal to register.

82. Every registering officer refusing to register a document,

unless because he has a discretion to refuse to accept it for registration, or unless because the property to which it relates is not situate within his District or Sub-District,

Reasons for refusal to register to be recorded by Registrar or Sub-Registrar.

shall make an order of refusal and record his reasons for such order in his Book No. 2, and endorse the words "registration refused" on the document; and on application made by any person executing or claiming under the document, and on his furnishing a stamped paper of the value of eight annas, shall without unnecessary delay give him a copy of the reasons so recorded.

No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

83. An appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate if presented to such Registrar within thirty days from the date of the order, and the Registrar may reverse or alter such order:

Registrar may alter or revise orders of Sub-Registrar refusing registration.

Provided that, whenever the Registrar has himself as Sub-Registrar passed the order appealed against, the appeal shall lie to the Registrar General.

Any Registrar or Registrar General refusing to direct the registration of any document shall make an order of refusal and record the reasons for such order in his Book No. 2, and on application made by any person executing or claiming under the document, and on his furnishing a stamped paper of the value of eight annas, shall, without unnecessary delay, give him a copy of the reasons so recorded.

84. If a Registrar or Registrar General makes under section eighty-two an order of refusal to register any document referred to in section twenty-nine,

Procedure where Registrar or Registrar General refuses to register or direct registration of documents falling under section 17 or section 18, clauses 1, 2, 3 and 4.

or if he has made a like order under section eighty-three of Act No. XX of 1866,

or if on appeal under section eighty-three he makes an order of refusal to direct the registration of such document,

any person claiming thereunder, or his representative, assign or agent authorized as aforesaid, may, within thirty days after the making of the order of refusal, apply by petition to the District Court, in order to establish his right to have the document registered.

85. The petition shall be in the form contained in the second Schedule to this Act, or as near thereto as circumstances permit, and shall be accompanied by copies of the reasons recorded under sections eighty-two and eighty-three; and the statements in the petition shall be verified by the petitioner in manner required by law for the verification of plaints, and the petition may be amended by permission of the Court.

Petition.

To be verified.

The document shall be admissible in evidence on the presentation and hearing of the petition, anything hereinbefore contained to the contrary notwithstanding.

Document admissible in evidence.

86. The Court shall fix a day for the hearing of the petition not less than two days after the service next hereinafter mentioned, and shall direct a copy of the petition, with a notice at the foot thereof of the day so fixed, to be served on the registering officer and on such other persons (if any) as the court thinks fit; and the provisions of the Code of Civil Procedure as to the service and endorsement of summonses shall apply, *mutatis mutandis*, to copies of petitions under this section.

Court to fix day for hearing petition, and copy thereof to be served.

87. On the day so fixed as aforesaid, the Court may summon and enforce the attendance of witnesses and compel them to give evidence,

Court may order document to be registered.

and if it finds that the document has been executed, and that the requirements of the law for the time being in force have been complied with on the part of the petitioner so as to entitle the document to registration, the court, unless satisfied that the order next hereinafter mentioned would work injustice, shall order such Registrar or Registrar General to register the document, or to direct its registration in the proper manner,

and he shall thereupon obey such order, and shall, so far as may be practicable, follow the procedure prescribed in sections sixty-six, sixty-seven and sixty-eight.

If the document be duly presented for registration within thirty days after the making of such order, the registration pursuant thereto shall take effect as if the document has been registered when it was duly presented for registration to the officer so refusing as aforesaid:

Provided that when the officer presiding over the District Court has himself as registering officer made any order complained of under this section, the petition shall, within sixty days after the making of such order, be presented to the High Court, and the provisions contained in the former part of this section shall, *mutatis mutandis*, apply to such petition and the order (if any) thereon.

Provision for case in which the Judge is the registering officer.

No appeal lies from any order made under this section.

PART XIII.

Of the fees for registration, searches and copies.

88. Subject to the approval of the Governor General in Council, the Local Government shall prepare a table of fees payable—

Fees for registration, searches and copies to be fixed by Local Government.

for the registration of documents:

for searching the registers:

for making or granting copies of reasons, entries or documents, before, on or after registration;

And of extra or additional fees payable—

for every registration by a Registrar General under section thirty-one, or by a Registrar under section thirty-two:

for special registration under section fifty-two:

for the issue of commissions:

for filing translations:

for attending at private residences:

and for such other matters as appear to the Local Government necessary to effect the purposes of this Act.

The Local Government may from time to time, subject to the like approval, alter such table.

Table of fees.

A table of the fees so payable shall be published in the official *Gazette*, and a copy thereof in English and the Vernacular language of the District shall be exposed to public view in every registration office.

89. All fees for the registration of documents under this Act shall be payable on presentation, and all fees received under the provisions of this Act (not being fees payable under section fourteen to officers who are paid wholly or in part by fees), and all penalties received under section twenty-four, shall be remitted to the treasury of the District or Sub-District, or to such other treasury as the Local Government from time to time directs, and shall be credited to Government.

Fees and penalties to be credited to Government.

PART XIV.

Penalties.

90. Every registering officer appointed under this Act and every person employed in his office for the purposes of this Act, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited under the provisions of this Act, endorses, copies, translates or registers such document in a manner which he knows or believes to be incorrect, intending thereby to cause, or knowing it to be likely that he may thereby cause injury, as defined in the Indian Penal Code to any person, shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

Penalty for incorrectly copying, endorsing, translating or registering documents with intent to injure.

91. Whoever intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or enquiry under this Act shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

Penalty for making false statements before registering officer.

92. Whoever intentionally delivers to a registering officer in any proceeding under section nineteen or twenty-one a false copy or translation of a document, or a false copy of a map or plan, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Penalty for delivering false copy or translation.

93. Whoever falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding under this Act, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Penalty for false personation.

94. Whoever abets within the meaning of the Indian Penal Code anything made punishable by this Act, shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

Penalty for abetment of offences under this Act.

95. A prosecution for any offence under this Act coming to the knowledge of a registering officer in his official capacity may be instituted by the Registrar General,

Registering officer may institute prosecutions.

the Branch Registrar General, the Registrar or the Sub-Registrar, in whose territories, District or Sub-District, as the case may be, the offence has been committed.

All prosecutions under this Act shall be instituted and carried out before a person exercising the powers of a Magistrate or Subordinate Magistrate of the first class; and all fines imposed under this Act may be recovered in the manner prescribed in section sixty-one of the Code of Criminal Procedure.

Registering officers to be deemed public servants.

96. Every registering officer appointed under this Act shall be deemed a public servant within the meaning of the Indian Penal Code.

Every person shall be legally bound to furnish information to such registering officer when required by him to do so. And in section two hundred and twenty-eight of the said Code, the words "judicial proceeding" shall include any proceeding under this Act.

PART XV.

Miscellaneous.

Registering officer not to be liable for anything *bonâ fide* done or refused in his official capacity.

97. No registering officer shall be liable to any suit, claim or demand by reason of anything in good faith done or refused in his official capacity.

Nothing done by registering officer to be invalidated by defect in his appointment or procedure.

98. Nothing done in good faith pursuant to this Act, or any Act hereby repealed, by any registering officer, shall be deemed invalid merely by reason of any defect in his appointment or procedure.

Registration of instruments executed by Government officers or certain public functionaries.

99. Notwithstanding anything herein contained, it shall not be necessary for any officer of Government, or for the Administrator General of Bengal, Madras or Bombay, or for any Official Trustee, or for the Sheriff, Receiver or Registrar of a High Court, to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him in his official capacity, or to sign as provided in section sixty-six.

But when any instrument is so executed, the registering officer to whom such instrument is presented for registration may, if he think fit, refer to any Secretary of Government or to such officer of Government, Administrator General, Official Trustee, Sheriff, Receiver or Registrar, as the case may be, for information respecting the same, and, on being satisfied of the execution thereof, shall register the instrument.

Time for registering documents executed in Burma and Coorg before 1st January 1871.

100. Notwithstanding anything herein contained, every document of the kinds mentioned in sections seventeen and eighteen, executed in British Burma before the first day of January 1871, and every jama sanad executed in Coorg before that date, shall be accepted for registration, if duly presented for registration within twelve months from such date.

Exemptions from Act.

Exemption of certain documents executed by or in favour of Government.

101. Nothing contained in this Act or any Act hereby repealed shall be deemed to require, or to have at any time required, the registration of any of the following documents or maps:—

(a.) Documents issued, received, or attested by any officer engaged in making a settlement or revision of settlement of land revenue, and which form part of the records of such settlement.

(b.) Documents and maps issued, received, or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, other than waste land, and which form part of the record of such survey.

(c.) Documents which, under any law for the time being in force, are filed annually by patwáris or other officers charged with the preparation of village records.

(d.) Sanads, inám title-deeds, and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land, in reward for special services.

But all such documents and maps shall, for the purposes of sections forty-eight and fifty, be deemed to have been and to be registered in accordance with the provisions of this Act.

Inspection and copies of such documents.

102. Subject to such rules and the previous payment of such fees as the Local Government from time to time prescribes in this behalf, all documents and maps mentioned in section one hundred and one, clauses *a*, *b* and *c*, shall be open to the inspection of any person applying to inspect the same, and, subject as aforesaid, copies of such documents shall be given to all persons applying for such copies.

Copies of sanads to be filed by Registrar.

103. A copy of every document mentioned in section one hundred and one, clause *d*, and executed on or after the first day of January 1871 shall, as soon as may be after its execution, be sent by the Local Government to the Registrar or to every Registrar within whose District the whole or any part of the immoveable property comprised in such document is situate, and shall be filed by him in his Book 1.

Madras Inám title-deeds.

Exemption of Madras inám title-deeds.

104. Nothing contained in this Act, or in any Act hereby repealed, shall be deemed to require, or to have required, the registration of any title-deed for inám lands issued by the Inám Commissioner in the Presidency of Fort St. George.

The provisions of section one hundred and three shall not apply, and the provisions of section three of Act No. XXVII of 1868 shall be deemed not to have applied, to any such title deed.

Subject to such rules as the Local Government from time to time prescribes in this behalf, all the District Registers of ináms kept under the rules for the adjudication and settlement of inám lands in the said Presidency sanctioned by the Local Government and published in the *Fort St. George Gazette* dated the fourth day of October 1859, shall be open to the inspection of any person applying to inspect the same, and subject as aforesaid, copies of the said registers shall be given to all persons applying for such copies.

FIRST SCHEDULE.

PART I.

Serial No. of registered instrument with Page, No. and Volume of Register in which it has been entered.	Names of parties to and No. of the suit, and whether an original or appealed suit.	Description of the immoveable property referred to in the instrument.	Effect of the decree or order on the instrument.	Date on which decree or order was passed.	Name and official designation of judge or officer by whom the decree or order was passed.

(Signed) A. B.

PART II.

Names of parties to, and No. of the suit, and whether an original or appealed suit.	Description of the immoveable property affected by the decree or order.	Effect of the decree or order on the said property.	Date on which decree or order was passed.	Name and official designation of judge or officer by whom the decree or order was made.

(Signed) A. B.

SECOND SCHEDULE.

Form of petition under section 84.

(Stamp eight annas.)

To the Judge of the District Court [*or* To the Deputy Commissioner] of

The day of 18 .

The petition of A. B. of

Sheweth—

1. That by an assurance dated the day of and made between C. D. of the one part and your petitioner of the other part, certain lands were conveyed to your petitioner absolutely.

2. That such assurance was executed by the said C. D. on the day of 18 .

3. That the property to which such assurance relates is situate in the Sub-District of the Sub-Registrar of and in the District of

4. That on the day of your petitioner presented the said assurance for registration under "The Indian Registration Act, 1870," in the office of the said Sub-Registrar, and on such presentation the said C. D. appeared personally before the said Sub-Registrar, and admitted the execution of the said assurance [*or* and falsely denied the execution of the said assurance].

5. That the said C. D. is personally known to the said Sub-Registrar [*or* adduced evidence that he was the person he represented himself to be, *or* that your petitioner adduced evidence that the said C. D. was the person he represented himself to be].

6. That the said Sub-Registrar thereupon made an order of refusal, dated the day of 18 , to register the said assurance and gave your petitioner a copy, which is filed herewith, of the reasons for such order.

7. That your petitioner on the day of appealed to the Registrar of against such order.

8. That the said Registrar thereupon made an order of refusal, dated the day of to direct the registration of the said assurance, and gave your petitioner a copy, which is filed herewith, of the reasons for such order.

9. That the reasons referred to in paragraphs 6 and 8 are, as your petitioner submits, insufficient [*or* that your petitioner has complied with the requirements of the said Act so far as it has been possible for him to do so].

Your petitioner, therefore, prays that your Honour will order the said Sub-Registrar to register the said assurance.

A. B.

Form of Verification.

I, A B, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed) A. B.

STATEMENT OF OBJECTS AND REASONS.

The Indian Registration Act has now been in force for nearly five years. It has gradually been extended to the whole of British India, except Oudh and Burma, and it has attained its two great objects,—discouraging forgery and false evidence, and creating a trustworthy record of title to immoveable property.

In 1868 it was found expedient to exclude from its operation certain instruments executed by, or in favour of, Government, and the Government of Madras has recently applied for similar legislation as regards inám title-deeds.

To consolidate and amend the law on the subject is obviously preferable to adding a fourth Act to the three in which that law is now contained. The present Bill accordingly repeals and re-enacts Acts XX of 1866 and XXVII of 1868. It incorporates the provisions as to registration contained in the Military Cantonments Act No. XXII of 1864, sections 10 and 45. It extends the system of registration to the whole of British India, except Oudh. It renders written authorities to adopt compulsorily registrable. It enables Sub-Registrars to register wills and authorities to adopt and to receive deposits of such documents. It also enables Sub-Registrars to institute prosecutions without the Registrar's sanction; and it excludes from its operation Madras inám title-deeds.

Besides these substantial changes, the Bill effects various minor amendments suggested by the practical experience gained in working the Act of 1866. These may be shortly stated as follows:—

With reference to Mr. Justice Norman's decision in *Jalu Namdar* v. *Beicha Namdar*, 3 Ben. L. R., A. C. J. 394, "moveable property" has been defined so as to include juice in trees. And "addition" has been made to include, in the case of a Native, his father's name.

In section 10, provision has been made for cases where there are more District Courts than one.

Section 17 has been expressly made applicable to leases from year to year, and to those leases (common in Bengal) which merely reserve a yearly rent.

In *Náráyana Swámi's Pillai's* case, 4 Mad. H. C. Rep. 91, Sir Adam Bittleston ruled that the provisions in Act XX of 1866, section 21, as to the description of houses and land, are merely directory. The Bill, section 22, embodies this ruling, which is clearly in accordance with the intention of the Act.

In section 32 the words 'including a Presidency town' have been omitted so as to render it possible for any Local Government to amalgamate in the Mofussil a Registry and a Sub-Registry Office.

It has been held by the Advocate General of Bengal that section 36 of Act XX of 1866, requires the persons executing a document to appear simultaneously before the Registering Officer. Such requirement is obviously inconvenient and unnecessary. The corresponding section of the Bill expressly provides that such appearances, if within the time allowed for presentation, may be either simultaneous or at different times.

In the same section the Bill expressly authorizes the Registering Officer to refuse to register where any person executing the document denies its execution, or where an executant appears to be a minor, an idiot, or a lunatic. This is in accordance with the views of the Advocate General of Madras.

Section 37 empowers the Registering Officer to require the Revenue Officer in whose jurisdiction any executant or witness, whose attendance is desired may be, to issue and to serve a summons requiring him to attend at the Registration Office. Some difficulty has been felt in Madras and elsewhere as to the Revenue Officer thus indicated, and the section has been altered by substituting for "the Revenue Officer" the words "such Revenue or Civil Court as the Local Government directs in this behalf."

In working Part VIII of Act XX of 1866, (as to sending to the Registry Office memoranda of decrees and orders affecting immoveable property) difficulty has been found in recovering the costs of registration. The Bill accordingly provides that the party in whose favour the decree or order has been made, shall himself present and pay for registering the memorandum, and that no such decree or order shall be of any force until a memorandum thereof has been registered. Forms of memoranda are given in the first Schedule. They must be registered within four months of the date of the decree or order, and the operation of the Part is confined to cases when the subject matter is of the value of Rs. 100 or upwards.

Section 48 of that Act provides that registered instruments relating to any moveable or immoveable property shall take effect against oral agreements relating thereto. The effect of this provision is (it has been argued) that a purchaser even of any trivial article bought in a shop and handed over the counter, has against any subsequent registered purchaser a defective title. The Bill accordingly by an additional section (49) precludes the operation of the former clause as regards moveables, where the agreement has been accompanied or followed by delivery of possession.

Certain decisions of the High Court at Fort William have made serious inroads on section 49 of the same Act, which declares that no instrument required to be registered "shall be received in evidence *in any civil proceeding* in any Court." The High Court has decided that an unregistered document requiring registration as affecting an interest in land is admissible in evidence in a civil proceeding for any purpose for which registration is unnecessary. The section has been re-drawn, so as to preclude, it is hoped, in future, a construction so opposed to the intention of the Legislature.

Section 51 of Act XX of 1866 prescribes the period of limitation for certain suits under a registered contract. The section has been omitted as it will find a fitter place in the Limitation Bill now being prepared in the Legislative Department.

Words have been introduced into section 53, showing clearly that the summary remedy provided on a specially registered bond is available only as against the person signing the agreement mentioned in section 52.

Section 57 has been altered so as to require the copying of such documents only as are *admitted* to registration.

The note taken by the Registering Officer under section 71, has been made admissible as *primâ facie* evidence of the facts therein stated.

As regards the procedure on the deposit of wills, the Bill provides, with reference to the case of *Nagindas*, 3 Bom. H. C. Rep. 135, decided by the present Chief Justice of the High Court at Bombay, that nothing in the Registration Act shall affect the power of any Court by order to compel the production of a will for the purposes of probate. Whenever any such order is made, the Registrar will copy the will in his book No. 4, and make a note on such copy that the original has been removed in pursuance of the order.

Section 84, as to the procedure when a Registrar refuses to register or to direct registration, has been made clearer. The Court has been expressly empowered to summon witnesses and compel them to give evidence; and the discretion reposed in it as to directing registration has been limited in accordance with the views of Sir Adam Bittleston (4 Mad. H. C. Rep. 97). Appeals from orders under this section have been expressly precluded (3 Bom. H. C. Rep. A. C. J. 104).

Provision has been made for admitting to registration, within twelve months after the new Act comes into force, of jama sanads executed in Coorg.

Lastly, the sections relating to penalties have been placed in a separate Part, and the wording of the Bill has been carefully settled with reference to all the reported decisions of the High Courts on Acts XVI of 1864 and XX of 1866.

F. R. COCKERELL.

SIMLA;
The 18th September 1870.

WHITLEY STOKES,
Secy. to the Govt. of India.

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations:—

No. 25 OF 1870.

A Bill to consolidate and amend the law relating to the District and Subordinate Civil Courts in Bengal.

Preamble.

Whereas it is expedient to consolidate and amend the law relating to the District and Subordinate Civil Courts in the territories respectively under the governments of the Lieutenant-Governors of the

Lower and North-Western Provinces, of the Presidency of Fort William in Bengal; It is hereby enacted as follows:—

PART I.—*Preliminary.*

1. This Act may be called "The Bengal Civil Courts Act, 1870."

Short title.

It extends to the territories for the time being respectively under the governments of the said Lieutenant-Governors except such portions thereof as have been, or may hereafter be, removed by express enactment from the jurisdiction of the High Courts.

Local extent.

And it shall come into force on the passing thereof.

Commencement.

2. The Regulations and Acts mentioned in the first Schedule hereto annexed are repealed to the extent specified in the third column of such Schedule.

Repeal of enactments.

PART II.—*Constitution of Civil Courts.*

3. The number of District Judges to be appointed under this Act shall be fixed, and may, from time to time, be altered by the Local Government: Provided that no increase to the present number of District Judges shall be made by such Government without the previous sanction of the Governor General in Council.

Number of District Judges.

4. The number of Subordinate Judges and Munsifs to be appointed under this Act in each District, shall be fixed, and may, from time to time, be altered by the Local Government: Provided that no increase of the total number so appointed before the passing of this Act shall be made without the previous sanction of the Governor General in Council.

Number of Subordinate Judges and Munsifs.

5. Whenever the office of District Judge or Subordinate Judge under this Act is vacant, or when it is necessary to increase the number of Subordinate Judges, the Local Government shall, subject to the provisions of section three, supply such vacancy or appoint such additional Subordinate Judges, as it thinks fit.

Vacancies in District Judgeships.

6. Whenever the office of a Munsif is vacant, or when it is necessary to increase the number of Munsifs, the High Court shall nominate such person as it thinks fit to be a Munsif, and the Local Government shall appoint him accordingly:

Vacancies in Munsifships.

Provided that the Local Government may, with the sanction of the Governor General in Council, make rules as to the qualifications of persons to be appointed to the office of Munsif under this Act; and on such rules being made, no person shall be nominated to such office unless he possesses the qualifications required by the said rules.

7. The present Judges of the Zila Courts, Subordinate Judges and Munsifs shall be the first District Judges, Subordinate Judges, and Munsifs under this Act.

First District Judges, Subordinate Judges, and Munsifs.

8. The Local Government shall have power to fix, and, from time to time, alter the place at which any Court under this Act is to be held.

Power to fix sites of Court.

9. Every District Judge, Subordinate Judge or Munsif appointed after the passing of this Act shall, previously to entering on the duties of his office, make and subscribe a solemn declaration according to the form in the second Schedule to this Act.

Oath of office.

Such declaration shall be made—

by a District Judge, either before his predecessor in such office, or before the Magistrate of the District,

by a Sub-Judge or Munsif, before the District Judge.

10. Every Court under this Act shall use a seal of such form and dimensions as shall, from time to time, be prescribed by the Local Government.

Seals of Courts.

11. Every District Judge, Subordinate Judge, and Munsif under this Act shall be deemed to be a Civil Court within the meaning of the Code of Civil Procedure and of this Act.

District Judges, Subordinate Judges, and Munsifs to be deemed Civil Courts.

PART III.—*Ordinary Jurisdiction.*

12. The Local Government shall fix, and may, from time to time, vary the local limits of the jurisdiction of any Civil Court under this Act.

Power to fix local limits of jurisdiction.

13. The jurisdiction of a District Judge or Subordinate Judge extends, subject to the rules contained in the Code of Civil Procedure, to all original suits cognizable by the Civil Courts.

Extent of original jurisdiction of District Judge or Subordinate Judge.

14. The jurisdiction of a Munsif extends to all like suits of which the amount or value in dispute does not exceed one thousand rupees.

Extent of Munsif's jurisdiction.

15. A regular or summary appeal shall, when such appeal is allowed by law, lie from the decrees and orders of a District Judge to the High Court.

Appeals from District Judge.

16. Appeals from the decrees and orders of Subordinate Judges and Munsifs shall, when such appeals are allowed by law, lie to the District Judge, except when the amount or value of the subject-matter of the suit exceeds five thousand rupees, in which case the appeal shall lie to the High Court.

Appeals from Subordinate Judges and Munsifs.

17. Every Court established under this Act shall have power to require a witness, or party to any suit pending in such Court, to take such oath as is prescribed by the law for the time being in force.

Power to require witnesses or parties to be sworn.

18. Where in any suit it is necessary for any Court under this Act to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution, the Muhammadan law in the case of Muhammadans, and the Hindú law in the case of Hindús, shall form the rule of decision, except in so far as such law has, by legislative enactment, been altered or abolished.

Certain decisions to be according to Muhammadan law in case of Muhammadans, and to Hindú law in case of Hindús.

Where no specific rule exists, the Court shall act according to justice, equity, and good conscience.

19. No District Judge, Subordinate Judge or Munsif shall try any suit in which he is a party or personally interested, or shall adjudicate upon any proceeding connected with, or arising out of, such suit.

Judges or Munsifs not to try suits in which they are interested.

No District Judge or Subordinate Judge shall try any appeal against a decree or order passed by himself in another capacity.

When any such suit, proceeding or appeal comes before any such officer as aforesaid, he shall forthwith transmit the whole record of the case to the Court to which he is immediately subordinate, with a report of the circumstances attending the reference. The superior Court shall thereupon dispose of the case in the manner prescribed by the Code of Civil Procedure.

PART IV.—*Special Jurisdiction.*

20. When the number of appeals from the orders of a Subordinate Judge pending before any District Judge requires the aid of additional Judges for the speedy adjudication and decision of such appeals, the Local Government may, upon the recommendation of the High Court, and (so far only as regards the additional expenditure involved in such appointment) subject to the sanction of the Governor General in Council, appoint such additional Judges as may be requisite.

Provision for appointing additional Judges.

The Additional Judges so appointed shall, previously to entering upon the execution of the duties of their office, make and subscribe the same declaration as is required to be made by the District Judges.

They shall perform any of the duties of a District Judge under Part III, that may be assigned to them, and, in the performance of such duties, shall exercise the same powers and be guided by the same rules as the District Judge.

The present Additional Judges shall be deemed to have been appointed under this Act.

21. The Local Government may invest any Subordinate Judge with the powers of a Munsif under section fourteen, and may define and, from time to time, vary the local limits within which such powers are to be exercised.

Power to invest Subordinate Judge with Munsif's jurisdiction.

22. Every District Judge may, from time to time, subject to the orders of the High Court, refer to any Subordinate Judge under his control any appeals depending before him from the decisions of Munsifs; and such Subordinate Judge shall hear and dispose of such appeals accordingly.

Power to refer to Subordinate Judges appeals from Munsifs.

23. The High Court may, from time to time by order, authorize any District Judge to transfer to a Subordinate Judge or Munsif under the control of such District Judge any civil proceeding (not being suits), or any class of such proceedings, specified in such order, and then pending or thereafter instituted, before such District Judge.

Power to transfer to Subordinate Judge or Munsif certain proceedings pending before District Judge.

All proceedings so transferred shall be disposed of by the Subordinate Judge or Munsif (as the case may be) according to the rules prescribed for the guidance of District Judges in like cases:

Provided that an appeal from the order of the Subordinate Judge or Munsif in such cases shall lie to the District Judge.

An appeal from his order thereon shall lie to the High Court if an appeal from the decision of the Judge in such proceedings is allowed by the law in force for the time being.

24. The Local Government may invest, within such local limits as it from time to time appoints, any Subordinate Judge with the jurisdiction of a Judge of a Court of Small Causes, for the trial of suits cognizable by such Courts, up to the amount of five hundred rupees, and any Munsif with similar jurisdiction up to the amount of fifty rupees, and may, whenever it thinks fit, withdraw such jurisdiction from the Subordinate Judge or Munsif so invested.

Power to invest Subordinate Judges with Small Cause jurisdiction.

25. Section fifty-one of Act No. XI of 1865 *(to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the Ordinary Original Civil Jurisdiction of the High Courts of Judicature)*, shall be read as if for the words "Principal Sadr Amín," the words "Subordinate Judge" were substituted.

Amendment of Act XI of 1865.

PART V.—*Misfeazance.*

26. A District Judge or Additional Judge may, for any misconduct, be suspended or removed by the Local Government.

Suspension or removal of District Judge or Additional Judge.

27. The High Court may, whenever it sees urgent necessity for so doing, suspend any Subordinate Judge under its control.

Suspension of Subordinate Judge.

Whenever the High Court exercises this power, it shall forthwith report the circumstances of the suspension, and the Local Government may direct the dismissal of the Subordinate Judge, or make such other order as the case may require.

28. The High Court may suspend any Munsif or may appoint a Commission for enquiring into his alleged misconduct.

Suspension of Munsifs by High Court.

The provisions of Act No. XXXVII of 1850 *(for regulating inquiries into the behaviour of public servants)*, shall apply to enquiries under this section, the powers conferred by that Act on the Government being exercised by the High Court.

On receiving the report of the result of such inquiry, the High Court may remove or suspend from office such Munsif, or may reduce him to a lower grade.

29. Any District Judge may, whenever he sees urgent necessity for so doing, suspend from office any Munsif under his control.

Suspension of Munsifs by District Judges.

Whenever a District-Judge suspends from office any such Munsif, he shall forthwith send to the High Court a full report of the circumstances of the suspension, together with the evidence, if any, and the High Court shall make such order thereon as it thinks fit.

PART VI.—*Ministerial Officers.*

30. The Ministerial Officers of the District Courts shall be appointed, and may be removed, suspended, or fined in an amount not exceeding one month's salary, by the Judges of such Courts, whose orders in such matters shall be final.

Appointment, removal and suspension of Ministerial Officers of District Courts.

31. The Ministerial Officers of the Courts of Subordinate Judges and Munsif shall be nominated and appointed by those Courts respectively, subject to the approval of the District Judge within whose jurisdiction such Courts are situate.

Appointment, removal and suspension of Ministerial Officers, of Subordinate Judges and Munsifs.

Every such Court may, by order, remove or suspend from office, or fine in an amount not exceeding one month's salary, any of its Ministerial Officers who is guilty of any misconduct or neglect in the performance of the duties of his office. But every such order shall be subject to appeal to the District Judge; and the rules for the time being applicable to appeals to the Court of Session from orders of the Criminal Courts subordinate thereto shall apply to all appeals under this section.

Nothing in this section shall exempt the offender from any penal or other consequences to which he may be liable under any other law in force for the time being.

32. All fines imposed under this Part may be recovered by deduction from the salary of the offender.

Recovery of fines.

PART VII.—*Miscellaneous.*

33. In the event of the death of the District Judge, or of his being incapacitated by illness or otherwise for the performance of his duties, or of his absence from the station in which his Court is held, the Additional Judge, or, if there is no Additional Judge attached to such Court, the senior Subordinate Judge of the District shall, without interruption to his ordinary duties, assume charge of the Judge's office, and shall discharge such of the current duties thereof as are connected with the filing of suits and appeals, the execution of processes and the like functions, and shall continue in charge of the office until it is resumed by the District Judge or assumed by an Officer duly appointed thereto.

Death, incapacity or absence of District Judge.

34. A District Judge, on the occurrence within his District of any vacancy in the office of Munsif, may, pending the orders of the High Court thereon, appoint such person as he thinks fit to act in such office.

Vacancy in Munsif's office.

And he shall forthwith report to the High Court the occurrence of every such vacancy and such appointment.

35. The general control over all the Civil Courts in any District is vested in the District Judge. He may issue such directions for the guidance of the Subordinate Courts with respect to any matter not provided for by law as he thinks necessary, and the said Courts shall obey such directions.

Control of Civil Courts in a District.

36. Subject to such orders as may, from time to time, be issued by the Governor General in Council or by the Local Government, the High Courts shall prepare a list of days to be observed in each year as close holidays in such Courts and in the Courts, respectively, subordinate to them, and such list shall be published at the commencement of each year in the local official *Gazette*.

List of holidays.

FIRST SCHEDULE.

Number and year.	Title.	Extent of Repeal.
Regulation III, 1793 ...	A Regulation for extending and defining the jurisdiction of the Courts of Dewanny Adalwut, or Courts of Judicature for the trial of civil suits in the first instance, established in the several Zillahs, and in the cities of Patna, Dacca, and Moorshedabad.	So much as has not been repealed.
,, IV, 1793 ...	A Regulation for receiving, trying, and deciding suits or complaints declared cognizable in the Courts of Dewanny Adawlut established in the several Zillahs, and in the Courts of Patna, Dacca, and Moorshedabad.	Section fifteen.
,, VIII, 1833 ...	A Regulation for the occasional appointment of additional Judges of the Zillah and City Courts.	The whole.
Act L of 1860 ...	An Act to amend the law relating to vacations in the Civil Courts within the Presidency of Fort William in Bengal.	The whole.
,, XVI of 1868 ...	An Act to consolidate and amend the law relating to Principal Sadr Amíns, Sadr Amíns, and Munsifs in Bengal, and for other purposes.	The whole.
,, II of 1870 ...	An Act to provide for the appointment of Additional Subordinate Judges and Munsifs in the Presidency of Fort William.	The whole.

SECOND SCHEDULE.

Form of declaration to be administered to persons appointed to the office of District Judge, Additional Judge, Subordinate Judge, or Munsif.

I, A B, appointed to the office of of do solemnly declare that, in the trial and determination of all suits which may come under my cognizance, and in the execution of all the other duties of my office, I will act according to the best of my abilities and judgment without partiality, favour, or affection; that I will not directly or indirectly receive, or knowingly allow any other person to receive on my behalf, any money, effects, or property, on account of any suit that may come before me for decision, or on account of any public duty which I may have to execute.

I will strictly adhere to all the rules prescribed for my guidance, and I will, in all respects, truly and faithfully execute the trust reposed in me.

(Signed) A B.

District [*or* Additional *or* Subordinate] Judge of

Munsif of

STATEMENT OF OBJECTS AND REASONS.

The law relating to the constitution and jurisdiction of the District (or zila) courts in Lower Bengal and the North-Western Provinces is now spread over the following enactments:—

Regulation III of 1793 (Bengal Code).
„ IV „ „
„ VII of 1795 „
„ VIII „ „
„ II of 1803 „
„ III „ „
„ VIII of 1805 „
„ VIII of 1833 „
Act L of 1860.

The repeal of Regulations VII of 1795, VIII of 1795 (except section ten), II and III of 1803, and VIII of 1805, as enactments purporting only to extend to the North-Western Provinces the provisions of the earlier Regulations of 1793 in regard to the zila courts, has been already proposed in connection with the Bill for defining the local extent of the general Regulations and Acts now before the Council.

In pursuance of the general scheme of consolidation, it has now become necessary to gather together the remaining fragments of the Regulation-law on this subject, and to combine therewith the recently consolidated law (Act XVI of 1868) regarding the civil courts subordinate to the zila courts.

A further object of the present Bill is to supply certain omissions of Act XVI of 1868 in regard to the jurisdiction of sub-Judges and Munsifs.

The older Regulations provide that the zila courts shall, in the determination of cases relating to inheritance, marriage, caste, or religious usage, be guided by the Muhammadan law where the parties to the cause are Muhammadans, and by the Hindú law where the parties are Hindús; also, that in cases for which no specific rule exists, the said courts shall act in accordance with equity and good conscience.

The application of these rules was, on the subsequent creation of the Courts of Munsifs, Sadr Amíns (now designated Munsifs) and Principal Sadr Amins (now Subordinate Judges) extended to such courts; but the extending provisions were, apparently through inadvertence, included in the wholesale repeals which followed the introduction of the Code of Civil Procedure, and they were not revived when Act XVI of 1868 was enacted.

SIMLA,
The 7th October 1870. } F. R. COCKERELL.

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, NOVEMBER 5, 1870.

☞ **Separate paging is given to this Part in order that it may be filed as a separate compilation.**

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations:—

No. 26 OF 1870.

INSOLVENCY BILL.

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A BILL TO AMEND THE LAW OF INSOLVENCY.

Preamble.

Whereas it is expedient to amend the law relating to Insolvency; It is hereby enacted as follows:—

Preliminary.

Short title.

1. This Act may be cited as "The Indian Insolvency Act, 1871."

Extent of Act.

2. This Act extends to the whole of British India.

Commencement of Act.

3. This Act shall come into operation on the first day of *January* one thousand eight hundred and seventy-one.

Repeal of 11 & 12 Vic., cap. 21.

4. On and from that day the eleventh and twelfth of Victoria, Chapter twenty-one, shall be repealed.

Interpretation of certain terms in the Act.

5. In this Act, if not inconsistent with the context, the following terms have the meanings hereinafter respectively assigned to them; that is to say,

"Court."

"The Court" shall mean the court having jurisdiction in Insolvency as by this Act provided:

"Registrar."

"The Registrar" shall mean the Registrar of "the Court" as above defined or, where there is no Registrar, such officer as the Court appoints in this behalf:

"Prescribed."

"Prescribed" shall mean prescribed by rules of Court to be made as in this Act provided:

"Property."

"Property" shall mean and include money, goods, things in action, land, and every description of property, whether moveable or immoveable; also, obligations, easements, and every description of estate, interest, and profit, present or future, vested or contingent, arising out of or incident to property as above defined:

"Debt."

"Debt provable in insolvency" shall include any debt or liability by this Act made provable in insolvency:

Exclusion of companies and large partnerships.

6. A partnership, association, or company corporate, or registered under "The Indian Companies Act, 1866," shall not be adjudged insolvent under this Act.

PART I.

ADJUDICATION, VESTING AND ADMINISTRATION OF PROPERTY.

Adjudication.

Petition for adjudication in insolvency.

7. A single creditor, or two or more creditors, if the debt due to such single creditor or the aggregate amount of debts due to such several creditors, from any debtor, amount to a sum of not less than five hundred rupees, may present a petition to the Court, praying that the debtor be adjudged an insolvent, and alleging as the ground for such adjudication any one or more of the following acts or defaults, hereinafter deemed to be and included under the expression "acts of insolvency:"

(1.) That the debtor has, in India or elsewhere, made a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally:

(2.) That the debtor has, in India or elsewhere, made a fraudulent conveyance, gift, delivery, or transfer of his property or of any part thereof:

(3.) That the debtor has, with intent to defeat or delay his creditors, done any of the following things, namely, departed out of India, or departed from his dwelling house, or otherwise absented himself; or begun to keep house; or being out of India, remained out of India, or suffered himself to be outlawed:

(4.) That the debtor has filed in the prescribed manner in the Court a declaration admitting his inability to pay his debts:

(5). That execution issued against the debtor on any legal process for the purpose of obtaining payment of not less than five hundred rupees has been levied by seizure and sale of his goods:

(6.) That the creditor presenting the petition has served in the prescribed manner on the debtor a debtor's summons requiring the debtor to pay a sum due, of an amount of not less than five hundred rupees, and the debtor has for the space of fourteen days succeeding the service of such summons, neglected to pay such sum, or to secure or compound for the same.

But no person shall be adjudged an insolvent on any of the above grounds unless the act of insolvency on which the adjudication is grounded has occurred within six months [illegible] ation of the petition for adjudicatio[illegible]

The debt of the petitioning creditor must [illegible] a liquidated sum due and must not be a secured debt, unless the petitioner state in his petition that he will be ready to give up such security for the benefit of the creditors in the event of the debtor being adjudicated an insolvent, or unless the petitioner is willing to give an estimate of the value of his security, in which latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him after deducting the value so estimated; but he shall, on an application being made by the trustee within the prescribed time after the date of adjudication, give up his security to such trustee for the benefit of the creditors upon payment of such estimated value.

Proceedings in relation to a debtor's summons.

8. A debtor's summons may be granted by the Court on a creditor proving to its satisfaction that a debt sufficient to support a petition in insolvency is due to him from the person against whom the summons is sought, and that the creditor has failed to obtain payment of his debt, after using reasonable efforts to do so.

The summons shall be in the prescribed form, resembling, as nearly as circumstances admit, a summons issued under the Code of Civil Procedure. It shall state that in the event of the debtor failing to pay the sum specified in the summons, or to compound for the same to the satisfaction of the creditor, a petition may be presented against him, praying that he may be adjudged an insolvent.

The summons shall have an endorsement thereon to the like effect, or such other prescribed endorsement as may be best calculated to indicate to the debtor the nature of the document served upon him, and the consequences of inattention to the requisitions therein made.

Any debtor served with a debtor's summons may apply to the Court, in the prescribed manner and within the prescribed time, to dismiss such summons, on the ground that he is not indebted to the creditor serving such summons, or that he is not indebted to such amount as will justify such creditor in presenting an insolvency petition against him;

and the Court may dismiss the summons, with or without costs, if satisfied with the allegations made by the debtor, or it may, upon such security (if any) being given as the Court may require for payment to the creditor of the debt alleged by him to be due, and the costs of establishing such debt, stay all proceedings on the summons for such time as will be required for the trial of the question relating to such debt.

Proceedings on petition.

9. A petition praying that a debtor may be adjudged an insolvent, in this Act referred to as an insolvency petition, shall be served in the prescribed manner.

At the hearing, the Court shall require proof of the debt of the petitioning creditor, and of the trading, if necessary, and of the act of insolvency, or, if more than one act of insolvency is alleged in the petition, of some one of the alleged acts of insolvency, and, if satisfied with such proof, shall adjudge the debtor to be insolvent.

The Court may adjourn the petition, either conditionally or unconditionally, for the procurement [illegible] duties imposed on him [illegible] to deliver up possession [illegible] property, which is [illegible] vidence, or for any other just cause, or [illegible] nder this Act, and [illegible] petition, with or without costs, [illegible] the possession [illegible] est.

Proceedings if debt under the Indian Companies Act, eighty-seven, petitioner, or that petitioning creditor is [illegible] to such contested.

10. [illegible] he shall, in addition [illegible] ch he may be [illegible] pears on the petition, amount [illegible] of [illegible] tify the petitioner in presenting an insolvency petition against him, the Court, upon such security (if any) being given as the Court may require, for payment to the petitioner of any debt which may be established against him in due course of law, and of the costs of establishing such debt, may stay all proceedings on the petition for such time as may be required for trial of the question relating to such debt, and such trial shall be had in manner hereinbefore provided with respect to disputed debts under debtors' summonses.

Where proceedings are stayed, the Court may, if by reason of the delay caused by such stay of proceedings or for any other cause it thinks just, adjudge the debtor an insolvent on the petition of some other creditor, and shall thereupon dismiss, upon such terms as it thinks just, the petition proceedings in which have been stayed as aforesaid.

Advertisement of order of adjudication.

11. A copy of an order of the Court adjudging the debtor to be insolvent shall be published in the local official Gazette, and be advertised locally in such manner (if any) as may be prescribed, and the date of such order shall be the date of the adjudication for the purposes of this Act, and the production of a copy of the Gazette containing such order as aforesaid shall be conclusive evidence in all legal proceedings of the debtor having been duly adjudged an insolvent, and of the date of the adjudication.

Definition of commencement of insolvency.

12. The insolvency of a debtor shall be deemed to have relation back to and to commence on the completion of the act of insolvency on which the order adjudging him to be insolvent is made.

If the insolvent is proved to have committed more acts of insolvency than one, the insolvency shall be deemed to relate back to and to commence at the time of the first of the acts of insolvency that may be proved to have been committed by the insolvent within twelve months next preceding the order of adjudication. The insolvency shall

not relate to any prior act of insolvency, unless at the time of committing such prior act the insolvent was indebted to some creditor or creditors in a sum or sums sufficient to support a petition in insolvency, and unless such debt or debts are still remaining due at the time of the adjudication.

13. Where a debtor is adjudicated an insolvent, no creditor to whom the insolvent is indebted in respect of any debt provable in the insolvency shall have any remedy against the property or person of the insolvent in respect of such debt except in manner directed by this Act.

Creditors bound by insolvency proceedings.

This section shall not affect the power of any creditor holding a security upon the property of the insolvent to realize or otherwise deal with such security in the same manner as he would have been entitled to realize or deal with the same if this section had not been passed.

14. The Court may, at any time after the presentation of an insolvency petition against the debtor, restrain further proceedings in any suit, execution, or other legal process against him in respect of any debt provable in insolvency, or it may allow such proceedings, whether in progress at the commencement of the insolvency or commenced during its continuance, to proceed upon such terms as the Court thinks just.

Power of Court, after presentation of petition, to restrain suits, &c., and appoint receiver.

The Court may also, at any time after the presentation of such petition, appoint a receiver or manager of the property or business of the debtor against whom the petition is presented, or of any part thereof, and may direct immediate possession to be taken of such property or business, or any part thereof.

Appointment of Trustee.

15. When an order has been made adjudging a debtor insolvent, herein referred to as an order of adjudication, the property of the insolvent shall become divisible amongst his creditors in proportion to the debts proved by them in the insolvency; and for the purpose of effecting such division the Court shall, as soon as may be, summon a general meeting of his creditors, and the creditors assembled at such meeting shall and may do as follows:

Meeting of creditors for appointment of persons to administer insolvent's property.

(1.) They shall, by resolution, appoint some fit person, whether a creditor or not, to fill the office of trustee of the property of the insolvent, at such remuneration (if any) as they may from time to time determine, or they may resolve to leave his appointment to the committee of inspection hereinafter mentioned:

(2.) They shall, when they appoint a trustee, by resolution declare what security is to be given, and to whom, by the person so appointed, before he enters on the office of trustee:

(3.) They shall, by resolution, appoint some other fit persons, not exceeding five in number, and being creditors qualified to vote at such first meeting of creditors as is in this Act mentioned, or authorized in the prescribed form by creditors so qualified to vote, to form a committee of inspection for the purpose of superintending the administration by the trustee of the insolvent's property:

(4.) They may, by resolution, give directions as to the manner in which the property is to be administered by the trustee, and it shall be the duty of the trustee to conform to such directions, unless the Court for some just cause otherwise orders.

16. The property of the insolvent divisible amongst his creditors, and in this Act referred to as the property of the insolvent, shall not comprise the following particulars:

Descriptions of insolvent's property divisible amongst creditors.

(1.) Property held by the insolvent on trust for any other person:

(2.) The tools (if any) of his trade, and the necessary wearing apparel and bedding of himself, his wife and children, to a value, inclusive of tools and apparel and bedding, not exceeding two hundred rupees in the whole:

But it shall comprise the following particulars:—

(3.) All such property as may belong to or be vested in the insolvent at the commencement of the insolvency, or may be acquired by or devolve on him during its continuance:

(4.) The capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as might have been exercised by the insolvent for his own benefit at the commencement of his insolvency or during its continuance:

(5.) All goods and chattels being, at the commencement of the insolvency, in the possession, order, or disposition of the insolvent, by the consent and permission of the true owner, of which goods and chattels the insolvent is reputed owner, or of which he has taken upon himself the sale or disposition as owner: provided that things in action, other than debts due to him in the course of his trade or business, shall not be deemed goods and chattels within the meaning of this clause.

17. The general meeting of creditors to be summoned as aforesaid by the Court, and in this Act referred to as the first meeting of creditors, shall be held in the prescribed manner and subject to the prescribed regulations as to the quorum, adjournment of meeting, and all other matters relating to the conduct of the meeting or the proceedings thereat:

Regulations as to first meeting of creditors.

Provided that,—

1. The meeting shall be presided over by the registrar, or, in the event of his being unable to attend through illness or any unavoidable cause, by such chairman as the meeting may elect:
2. No person shall be entitled to vote as a creditor unless at or previously to the meeting he has in the prescribed manner proved a debt provable under the insolvency to be due to him:
3. No creditor shall vote at the said meeting in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained:

4. A secured creditor shall, for the purpose of voting, be deemed to be a creditor only in respect of the balance (if any) due to him after deducting the value of his security; and the amount of such balance shall, until the security be realized, be determined in the prescribed manner. He may, however, at or previously to the meeting of creditors, give up the security to the trustee, and thereupon he shall rank as a creditor in respect of the whole sum due to him:
5. A "secured creditor" shall in this Act mean any creditor holding any mortgage, charge, or lien on the insolvent's estate, or any part thereof, as security for a debt due to him:
6. Votes may be given either personally or by proxy:
7. An ordinary resolution shall be decided by a majority in value of the creditors present personally or by proxy at the meeting and voting on such resolution:
8. A special resolution shall be decided by a majority in number, and three-fourths in value, of the creditors present personally or by proxy at the meeting and voting on such resolution.

18. Until a trustee is appointed the registrar shall be the trustee for the purposes of this Act, and immediately upon the order of adjudication being made the property of the insolvent shall vest in the registrar. On the appointment of a trustee the property shall forthwith pass to and vest in the trustee appointed.

Devolution of property on trustee.

The expression "trustee," when used in this Act, shall include the person for the time being filling the office of trustee, whether he be the registrar or not; but when the registrar holds the office of trustee he shall, unless the Court otherwise orders, in the administration of the property of the insolvent, apply to the Court for directions as to the mode of administering such property, and shall not take possession thereof unless directed by the Court.

19. The appointment of a trustee shall be reported to the Court, and the Court, upon being satisfied that the requisite security has been entered into by him, shall give a certificate declaring him to be trustee of the insolvency named in the certificate: such certificate shall be conclusive evidence of the appointment of the trustee, and such appointment shall date from the date of the certificate.

Evidence of appointment of trustee.

When the registrar holds the office of trustee, or when the trustee is changed, a like certificate of the Court may be made declaring the person therein named to be trustee, and such certificate shall be conclusive evidence of the person therein named being trustee.

Administration of Property.

20. The insolvent shall, to the utmost of his power, aid in the realization of his property, and the distribution of the proceeds amongst his creditors.

Conduct of insolvent.

He shall produce a statement of his affairs to the first meeting of creditors, and shall be publicly examined thereon on a day to be named by the Court, and subject to such adjourned public examination as the Court may direct.

He shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, attend such meetings of his creditors, wait at such times on the trustee, execute such powers of attorney, conveyances, deeds and instruments, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors, as may be reasonably required by the trustee, or may be prescribed by rules of Court, or be directed by the Court by any special order or orders made in reference to any particular insolvency, or made on the occasion of any special application by the trustee or any creditor.

If the insolvent wilfully fail to perform the duties imposed on him by this section, or if he fail to deliver up possession to the trustee of any part of his property, which is divisible amongst his creditors under this Act, and which may for the time being be in the possession or under the control of such insolvent, he shall, in addition to any other punishment to which he may be subject, be deemed guilty of an offence under the Indian Penal Code, section one hundred and eighty-seven, and may be punished accordingly.

21. The trustee shall, in the administration of the property of the insolvent and in the distribution thereof amongst his creditors, have regard to any directions that may be given by resolution of the creditors at any general meeting, or by the committee of inspection; and any directions so given by the creditors at any general meeting shall be deemed to override any directions given by the committee of inspection.

Conduct of trustee, and appeal to Court against trustee.

The trustee shall call a meeting of the committee of inspection once at least every three months, when they shall audit his accounts, and determine whether any or what dividend is to be paid; he may also call special meetings of the said committee as he thinks necessary.

Subject to the provisions of this Act, and to such directions as aforesaid, the trustee shall exercise his own discretion in the management of the estate, and its distribution amongst the creditors.

The trustee may from time to time summon general meetings of the creditors for the purpose of ascertaining their wishes; he may also apply to the Court, in manner prescribed, for directions in relation to any particular matter arising under the insolvency.

The insolvent, or any creditor, debtor, or other person aggrieved by any act of the trustee, may apply to the Court, and the Court may confirm, reverse, or modify the act complained of, and make such order in the premises as it thinks just.

The Court may from time to time, during the continuance of an insolvency, summon general meetings of the creditors for the purpose of ascertaining their wishes, and may, if the Court thinks fit, direct the registrar to preside at such meetings.

The trustee shall, in relation to and for the purpose of acquiring or retaining possession of the property of the insolvent, be in the same position in all respects as if he were a receiver of such property appointed by the Court under the Code of Civil Procedure, and the Court may, on his appli-

cation, enforce such acquisition or retention of property accordingly.

Regulations as to general meetings of creditors subsequent to first meeting.

22. The provisions of this Act with respect to the first general meeting of creditors shall apply to any subsequent general meeting of creditors in an insolvency, with this exception,

that subsequent meetings of creditors may be summoned by the trustee, or by a member of the committee of inspection,

and that such meetings may, unless otherwise directed by the Court in the case of meetings summoned by the Court, be presided over by any person chosen by the creditors assembled at such meeting,

and that any creditor whose debt has been proved, or the value of whose debt has been ascertained at or subsequently to such first meeting, shall be allowed to be present and to vote thereat.

Dealings with Insolvent's Property.

Possession of property by trustee.

23. Where any portion of the property of the insolvent consists of stock, shares in ships, shares, or any other property transferable in the books of any company, office, or person, the right to transfer such property shall be absolutely vested in the trustee to the same extent as the insolvent might have exercised the same if he had not become insolvent.

Where any portion of the property of the insolvent consists of things in action, any suit or other proceeding for the recovery of such things instituted by the trustee shall be instituted in his official name, as in this Act provided; and such things shall, for the purpose of such suit or other proceeding, be deemed to be assignable in law, and to have been duly assigned to the trustee in his official capacity.

The trustee shall, as soon as may be, take possession of the deeds, books, and documents of the insolvent, and all other property capable of manual delivery. The trustee shall keep, in such manner as rules of Court direct, proper books, in which he shall from time to time make or cause to be made entries or minutes of proceedings at meetings, and of such other matters as rules of Court direct, and any creditor of the insolvent may, subject to the control of the Court, personally or by his agent inspect such books.

Disclaimer as to onerous property.

24. When any property of the insolvent acquired by the trustee under this Act consists of land of any tenure burdened with onerous covenants, of unmarketable shares in companies, of unprofitable contracts, or of any other property that is unsaleable or not readily saleable, by reason of its binding the possessor thereof to the performance of any onerous act, or to the payment of any sum of money, the trustee, notwithstanding he has endeavoured to sell, or has taken possession of such property or exercised any act of ownership in relation thereto, may, by writing under his hand, disclaim such property.

Effect of disclaimer.

Upon the execution of such disclaimer the property disclaimed shall,

if the same is a contract, be deemed to be determined from the date of the order of adjudication,

and if the same is a lease, be deemed to have been surrendered on the same date,

and if the same be shares in any company, be deemed to be forfeited from that date,

and if any other species of property, it shall revert to the person entitled on the determination of the estate or interest of the insolvent, but if there shall be no person in existence so entitled, then in no case shall any estate or interest therein remain in the insolvent.

Any person interested in any disclaimed property may apply to the Court, and the Court may, upon such application, order possession of the disclaimed property to be delivered up to him, or make such other order as to the possession thereof as may be just.

Any person injured by the operation of this section shall be deemed a creditor of the insolvent to the extent of such injury, and may accordingly prove the same as a debt under the insolvency.

Limitation of time for disclaimer.

25. Any person interested in such property as is mentioned in the first clause of section twenty-four may give notice in writing to the trustee to decide whether he will disclaim it or not. If the trustee fails, within twenty-eight days after the receipt of such application or such further time as may be allowed by the Court, he shall not be entitled to disclaim any such property.

Power of trustee to deal with property.

26. Subject to the provisions of this Act, the trustee shall have power to do the following things:

(1.) To receive and decide upon proof of debts in the prescribed manner, and for such purpose to administer oaths:

(2.) To carry on the business of the insolvent so far as may be necessary for the beneficial winding up of the same:

(3.) To bring or defend any suit, or other legal proceeding relating to the property of the insolvent:

(4.) To deal with any property to which the insolvent is beneficially entitled as tenant in tail in the same manner as the insolvent might have dealt with the same:

(5.) To exercise any powers the capacity to exercise which is vested in him under this Act, and to execute all powers-of-attorney, deeds, and other instruments expedient or necessary for the purpose of carrying into effect the provisions of this Act:

(6.) To sell all the property of the insolvent (including the goodwill of the business, if any, and the book-debts due or growing due to the insolvent) by public auction or private contract, with power, if he thinks fit, to transfer the whole thereof to any person or company, or to sell the same in parcels:

(7.) To give for any monies received by him, receipts which shall effectually discharge the persons paying such monies from all responsibility in respect of the application thereof:

(8.) To prove, rank, claim, and draw a dividend in the matter of the insolvency of any debtor of the insolvent.

Power to allow insolvent to manage property.

27. The trustee may appoint the insolvent himself to superintend the management of the property or of any part thereof, or to carry on the insolvent's trade (if any) for the benefit of the creditors, and in any other respect to aid in administering the property in such manner and on such terms as the creditors direct.

Power of trustee to compromise, &c.

28. The trustee may, with the sanction of the committee of inspection, do all or any of the following things:

(1) mortgage or pledge any part of the property of the insolvent for the purpose of raising money for the payment of his debts:

(2) refer any dispute to arbitration, compromise all debts, claims, and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist, between the insolvent and any debtor or person who may have incurred any liability to the insolvent, upon the receipt of such sums, payable at such times, and generally upon such terms as may be agreed upon:

(3) make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors in respect of any debts provable under the insolvency:

(4) make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the insolvent, made or capable of being made on the trustee by any person or by the trustee on any person:

(5) divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot advantageously be realized by sale.

The sanction given for the purposes of this section may be a general permission to do all or any of the above-mentioned things, or a permission to do all or any of them in any specified case or cases.

Power of trustee to accept composition or general scheme of arrangement.

29. The trustee may, with the sanction of a special resolution of the creditors assembled at any meeting of which notice has been given specifying the object of such meeting, accept any composition offered by the insolvent, or assent to any general scheme of settlement of the affairs of the insolvent upon such terms as may be thought expedient, and with or without a condition that the order of adjudication is to be annulled, subject nevertheless to the approval of the Court, to be testified by the judge of the Court signing the instrument containing the terms of such composition or scheme, or embodying such terms in an order of the Court.

Where the annulment of the order of adjudication is made a condition of any composition with the insolvent or of any general scheme for the liquidation of his affairs, the Court, if it approves of such composition or general scheme, shall annul the adjudication on an application made by or on behalf of any person interested, and the adjudication shall be annulled from and after the date of the order annulling the same.

The provisions of any composition or general scheme made in pursuance of this Act may be enforced by the Court on a motion made in a summary manner by any person interested, and any disobedience of the order of the Court made on such motion shall be deemed an offence under the Indian Penal Code, section 187. The approval of the Court shall be conclusive as to the validity of any such composition or scheme, and it shall be binding on all the creditors so far as relates to any debts due to them and provable under the insolvency.

Trustee may be paid for services.

30. A trustee may contract to be paid a certain sum by way of percentage or otherwise as a remuneration for his services as trustee, including (where the trustee is an attorney or vakíl) all professional services, and any such contract shall, notwithstanding any law to the contrary, be lawful.

No trustee shall, without the consent of the committee of inspection, employ an attorney, vakíl or other agent.

Trustees to pay monies into Bank.

31. The trustee shall, from all sums from time to time received by him under this Act, deduct three per centum, and pay such percentage into the General or District Treasury to the credit of the Government of India, and shall pay the residue into such Bank as the majority of the creditors in number and value at any general meeting appoint, and failing such appointment into the General or District Treasury. If the trustee at any time keep in his hands any such sum exceeding five hundred rupees for more than ten days he shall be subject to the following liabilities; that is to say,

(1.) He shall pay interest at the rate of twenty per centum per annum on the excess of such sum above five hundred rupees as he may retain in his hands:

(2.) Unless he can prove to the satisfaction of the Court that his reason for retaining the money was sufficient, he shall, on the application of any creditor, be dismissed from his office by the Court, and shall have no claim for remuneration, and be liable to any expenses to which the creditors may be put by or in consequence of his dismissal.

Any trustee failing to deduct and pay the said percentage as prescribed by this section shall be liable to fine of double the amount which should have been so deducted and paid.

All monies received by Government under this section shall be applied to defray the salaries of the Comptrollers in Insolvency, their clerks and servants, and the other expenses of working this Act.

Payment of Debts and Distribution of Assets.

Description of debts provable in insolvency.

32. Demands in the nature of unliquidated damages arising otherwise than by reason of a contract or promise shall not be provable in insolvency, and no person having notice of any act of insolvency available for adjudication

against the insolvent shall prove for any debt or liability contracted by the insolvent subsequently to the date of his so having notice.

Save as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the insolvent is subject at the date of the order of adjudication, or to which he may become subject during the continuance of the insolvency by reason of any obligation incurred previously to the date of the order of adjudication, shall be deemed to be debts provable in insolvency, and may be proved in the prescribed manner before the trustee in the insolvency.

An estimate shall be made according to the rules of the Court for the time being in force, so far as the same may be applicable, and, where they are not applicable, at the discretion of the trustee, of the value of any debt or liability provable as aforesaid, which by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value.

Any person aggrieved by any estimate made by the trustee as aforesaid may appeal to the Court, and the Court may, if it think the value of the debt or liability incapable of being fairly estimated, make an order to that effect, and upon such order being made such debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable in insolvency.

But if the Court think that the value of the debt or liability is capable of being fairly estimated, it may direct such value to be assessed before the Court, or either before the Court itself or some other competent Court, and may give all necessary directions for such purpose, and the amount of such value when assessed shall be provable as a debt under the insolvency.

"Liability" shall for the purposes of this Act include any compensation for work or labour done, any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement, or undertaking, whether such breach does or does not occur, or is or is not likely to occur or capable of occurring before the close of the insolvency; and generally it shall include any express or implied engagement, agreement, or undertaking, to pay, or capable of resulting in the payment of, money or money's worth, whether such payment be, as respects amount, fixed or unliquidated; as respects time, present or future, certain or dependent on any one contingency or on two or more contingencies; as to mode of valuation, capable of being ascertained by fixed rules, or assessable only as matter of opinion.

33. The debts hereinafter mentioned shall be paid in priority to all other debts.

Preferential debts.

Between themselves, such debts shall rank equally and shall be paid in full, unless the property of the insolvent is insufficient to meet them, in which case they shall abate in equal proportions between themselves; that is to say,

(1.) All local rates due from him at the date of the order of adjudication, and having become due and payable within twelve months next before such time; all assessed taxes, land-tax, and income-tax assessed on him up to the first day of April next before the date of the order of adjudication, and not exceeding in the whole one year's assessment;

(2.) All wages or salary of any clerk or servant in the employment of the insolvent at the date of the order of adjudication, not exceeding four months' wages or salary, and not exceeding five hundred rupees; all wages of any labourer or workman in the employment of the insolvent at the date of the order of adjudication, and not exceeding two months' wages:

Save as aforesaid, all debts provable under the insolvency shall be paid *pari passu*.

34. Where at the time of the presentation of the petition for adjudication any person is apprenticed or is an articled clerk to the insolvent, the order of adjudication shall, if either the insolvent or apprentice or clerk give notice in writing to the trustee to that effect, be a complete discharge of the indenture of apprenticeship or articles of agreement;

Preferential claim in case of apprenticeship.

and if any money has been paid by or on behalf of such apprentice or clerk to the insolvent as a fee, the trustee may, on the application of the apprentice or clerk, or of some person on his behalf, pay such sum as such trustee, subject to an appeal to the Court, thinks reasonable, out of the insolvent's property to or for the use of the apprentice or clerk, regard being had to the amount paid by him or on his behalf, and to the time during which he served with the insolvent under the indenture or articles before the commencement of the insolvency, and to the circumstances of the case.

Where it appears expedient to a trustee he may, on the application of any apprentice or articled clerk to the insolvent, or any person acting on behalf of such apprentice or articled clerk, instead of acting under the preceding provisions of this section, transfer the indenture of apprenticeship or articles of agreement to some other person.

35. The landlord or other person to whom any rent is due from the insolvent may at any time, either before or after the commencement of the insolvency, distrain upon the goods or effects of the insolvent for the rent due to him from the insolvent.

Power for landlord to distrain for rent.

If such distress for rent be levied after the commencement of the insolvency, it shall be available only for one year's rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the insolvent may prove under the insolvency for the overplus due for which the distress may not have been available.

36. When any rent or other payment falls due at stated periods, and the order of adjudication is made at any time other than one of such periods, the person entitled to such rent or payment may prove for a proportionate part thereof up to the day of the adjudication as if such rent or payment grew due from day to day.

Proof in case of rent and periodical payment.

37. Interest on any debt provable in insolvency may be allowed by the trustee under the same circumstances in which interest would have been allowable if a suit had been brought for such debt.

Interest on debts.

38. If any insolvent is at the date of the order of adjudication liable in respect of distinct contracts as member of two or more distinct firms, or as a sole contractor, and also as member of a firm, the circumstance that such firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of such contracts, against the properties respectively liable upon such contracts.

Proof in respect of distinct contract.

39. The trustee, with the consent of the creditors, testified by a resolution passed in general meeting, may from time to time, during the continuance of the insolvency, make such allowance as may be approved by the creditors to the insolvent out of his property for the support of the insolvent and his family, or in consideration of his services if he is engaged in winding up his estate.

Allowance to insolvent for maintenance or service.

40. Where there have been mutual credits, mutual debts, or other mutual dealings between the insolvent and any other person proving or claiming to prove a debt under his insolvency, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party shall be set-off against any sum due from the other party, and the balance of such account, and no more, shall be claimed or paid on either side respectively.

Set-off.

But a person shall not be entitled under this section to claim the benefit of any set-off against the property of an insolvent in any case where he had at the time of giving credit to the insolvent notice of an act of insolvency committed by such insolvent and available against him for adjudication.

41. A creditor holding a specific security on the property of the insolvent or on any part thereof, may, on giving up his security, prove for his whole debt.

Provision as to secured creditor.

He shall also be entitled to a dividend in respect of the balance due to him after realizing or giving credit for the value of his security, in manner and at the time prescribed.

A creditor holding such security as aforesaid and not complying with the foregoing conditions shall be excluded from all share in any dividend.

Dividends.

42. The trustee shall from time to time, when the committee of inspection determines, declare a dividend amongst the creditors who have proved to his satisfaction debts provable in insolvency, and shall distribute the same accordingly.

Distribution of dividends.

In the event of his not declaring a dividend for the space of six months, he shall summon a meeting of the creditors, and explain to them his reasons for not declaring the same.

43. In the calculation and distribution of a dividend it shall be obligatory on the trustee to make provision for debts provable in insolvency appearing from the insolvent's statements, or otherwise, to be due to persons resident in places so distant from the place where the trustee is acting that in the ordinary course of communication they have not had sufficient time to tender their proofs, or to establish them if disputed, and also for debts provable in insolvency, the subject of claims not yet determined.

Provision for creditors residing at a distance, &c.

44. Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid out of any monies for the time being in the hand of the trustee any dividend or dividends he may have failed to receive before such monies are made applicable to the payment of any future dividend or dividends;

Right of creditor who has not proved debt before declaration of a dividend.

but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

45. When the trustee has converted into money all the property of the insolvent, or so much thereof as can, in the joint opinion of himself and of the committee of inspection, be realized without needlessly protracting the insolvency, he shall declare a final dividend, and give notice of the time at which it will be distributed.

Final dividend.

46. The insolvent shall be entitled to any surplus remaining after payment of his creditors, and of the costs, charges, and expenses of the insolvency.

Insolvent entitled to surplus.

47. No suit for a dividend shall lie against the trustee. But if the trustee refuses to pay any dividend, the Court may, if it thinks fit, order the trustee to pay the same, and also to pay out of his own monies interest thereon for the time that it is withheld, and the costs of the application.

No suit for dividend.

PART II.

TERMINATION OF INSOLVENCY.

48. When the whole property of the insolvent has been realized for the benefit of his creditors, or so much thereof as can, in the joint opinion of the trustee and committee of inspection, be realized without needlessly protracting the insolvency,

Close of insolvency.

or when a composition or arrangement has been completed,

the trustee shall make a report accordingly to the Court, and the Court, if satisfied that the whole of the property of the insolvent has been realized for the benefit of his creditors, or so much thereof as can be realized without needlessly protracting the insolvency, or that a composition or arrangement has been completed, shall make an order that the insolvency has closed, and the insolvency shall be deemed to have closed at and after the date of such order.

A copy of the order closing the insolvency may be published in the local official Gazette, and the production of a copy of such Gazette containing a copy of the order shall be conclusive evidence of the order having been made and of the date and contents thereof.

Discharge of Insolvent.

49. When an insolvency is closed, or at any time during its continuance, with the assent of the creditors testified by a special resolution, the insolvent may apply to the Court for an order of discharge.

Order of discharge.

Such discharge shall not be granted unless it is proved to the Court that one of the following conditions has been fulfilled, that is to say,

either that a dividend of not less than eight annas in the rupee has been paid out of his property, or might have been paid except through the negligence or fraud of the trustee,

or that a special resolution of the insolvent's creditors has been passed to the effect that his insolvency or the failure to pay eight annas in the rupee has, in their opinion, arisen from circumstances for which the insolvent cannot justly be held responsible, and that they desire that an order of discharge should be granted to him.

The Court may suspend for such time as it deems to be just, or withhold altogether, the order of discharge in the circumstances following; namely,

Power to suspend order of discharge.

if it appears to the Court on the representation of the creditors made by special resolution, of the truth of which representation the Court is satisfied, or by other sufficient evidence, that the insolvent has made default in giving up to his creditors the property which he is required by this Act to give up;

or that a prosecution has been commenced against him in pursuance of the provisions for the time being in force relating to the punishment of fraudulent debtors, in respect of any offence alleged to have been committed by him against such provisions.

50. An order of discharge shall not release the insolvent from any debt or liability incurred by means of any fraud or breach of trust, nor from any debt or liability whereof he has obtained forbearance by any fraud.

Effect of order of discharge.

But it shall release the insolvent from all other debts provable under the insolvency, with the exception of—

(1) debts due to the Secretary of State for India in Council:

(2) debts with which the insolvent stands charged at the suit of the said Secretary of State in Council or of any person for any offence against an Act relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail-bond entered into for the appearance of any person prosecuted for any such offence:

And he shall not be discharged from such excepted debts unless a Secretary to the Government of India certify in writing the consent of the Governor General of India in Council to the insolvent's being discharged therefrom.

An order of discharge shall be sufficient evidence of the insolvency, and of the validity of the proceedings thereon; and in any proceedings instituted against an insolvent who has obtained an order of discharge in respect of any debt from which he is released by such order, the insolvent may state that the cause of action occurred before his discharge, and may give this Act and the special matter in evidence.

51. The order of discharge shall not release any person who, at the date of the order of adjudication, was a partner with the insolvent, or was jointly bound or had made any joint contract with him.

Exception of joint debtors.

Release of Trustee.

52. When the insolvency is closed the trustee shall call a meeting of the creditors to consider an application to be made to the Court for his release.

Release of trustee.

At the meeting the trustee shall lay before the assembled creditors an account showing the manner in which the insolvency has been conducted, with a list of the unclaimed dividends, if any, and of the property, if any, outstanding, and shall inform the meeting that he proposes to apply to the Court for a release.

The creditors assembled at the meeting may express their opinion as to the conduct of the trustee, and they, or any of them, may appear before the Court and oppose the release of the trustee.

The Court, after hearing what, if anything, can be urged against the release of the trustee, shall grant or withhold the release accordingly, and if it withhold the release shall make such order as it thinks just, charging the trustee with the consequences of any act or default he may have done or made contrary to his duty, and shall suspend his release until such charging order has been complied with, and the Court thinks just to grant the release of the trustee.

53. Unclaimed dividends, and any other monies arising from the property of the insolvent, remaining under the control of the trustee at the close of the insolvency of any insolvent, or accruing thereafter, shall be accounted and paid over to such account as may be directed by the rules of Court to be made with the sanction of the Governor General in Council; and any parties entitled thereto may claim the same in manner directed by such rules.

Duty of trustee as to unclaimed dividends and outstanding property.

The trustee shall also deliver a list of any outstanding property of the insolvent to the prescribed persons, and the same shall, when practicable, be got in and applied for the benefit of the creditors in manner prescribed.

54. The order of the Court releasing the trustee of an insolvency shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the insolvent, or otherwise in relation to his conduct as trustee of such insolvent.

Effect of release of trustee.

Such order may be revoked by the Court on proof that it was obtained by fraud.

Status of undischarged Insolvent.

55. Where a person who has been made insolvent has not obtained his discharge, then, from and after the close of his insolvency, the following consequences shall ensue:—

Status of undischarged insolvent.

(1.) No portion of a debt provable under the insolvency shall be enforced against the property of the person so made insolvent until the expiration of three years from the close of the insolvency; and during that time, if he pay to his creditors such additional sum as will, with the dividend paid out of his property during the insolvency, make up eight annas in the rupee, he shall be entitled to an order of discharge in the same manner as if a dividend of eight annas in the rupee had originally been paid out of his property:

(2.) At the expiration of a period of three years from the close of the insolvency, if the debtor made insolvent has not obtained an order of discharge, any balance remaining unpaid in respect of any debt proved in such insolvency (but without interest in the meantime,) shall be deemed to be a subsisting debt in the nature of a judgment debt, and, subject to the rights of any persons who have become creditors of the debtor since the close of his insolvency, may be enforced against any property of the debtor, with the sanction of the Court which adjudicated such debtor an insolvent, or of the Court having jurisdiction in insolvency in the place where the property is situated, but to the extent only, and at the time and in manner, directed by such Court, and after giving such notice and doing such acts as may be prescribed in that behalf.

Audit.

56. The trustee, having had his quarterly statement of accounts audited by the committee of inspection, shall, within the prescribed time, forward the certified statement in the prescribed form to an officer to be called the comptroller in insolvency, and if he fail to do so he shall be deemed guilty of an offence under the Indian Penal Code, section 176, and be punishable accordingly.

Appointment of comptroller.

There shall be three such comptrollers, whose titles and jurisdictions shall be as follows:—

(1) the Comptroller in Insolvency of Bengal, whose jurisdiction shall extend to the territories for the time being respectively under the governments of the Lieutenant Governors of Bengal, the North-Western Provinces, and the administrations of the Chief Commissioners of Oudh, the Central Provinces and British Burma:

(2) the Comptroller in Insolvency of Madras, whose jurisdiction shall extend to the territories for the time being under the government of the Governor of Fort St. George in Council, to Coorg, and (so far as regards British subjects) to Mysore, and

(3) the Comptroller in Insolvency of Bombay, whose jurisdiction shall extend to the territories for the time being under the government of the Governor of Bombay in Council, and also (so far as regards British subjects) to the Hyderabad Assigned Districts.

The first Comptrollers in Insolvency under this Act shall be respectively the present Official Assignees of the Courts for the relief of insolvent debtors holden under the said statute of the eleventh and twelfth of Victoria, chapter twenty-one, in Calcutta, Madras and Bombay.

The subsequent comptrollers shall be appointed, and the first and any subsequent comptrollers may be removed, in the case of the Comptroller in Insolvency of Bengal, by the Governor General in Council, and in the cases of the other Comptrollers in Insolvency, by the Local Government, and shall be paid such salary as the Governor General of India in Council may direct.

Each comptroller shall be provided with such office, and with such clerks and servants, as may be directed by the Local Government with the approval of the Governor General in Council.

The clerks and servants in the office of the comptroller shall be appointed and dismissible by each comptroller, and there shall be allowed and paid to him such sum as the Governor General in Council may from time to time direct for the expenses of his office, and of such clerks and other persons as may be deemed necessary by the Governor General in Council.

57. Every trustee of an insolvent shall from time to time, as may be prescribed, and not less than once in every year during the insolvency, transmit to the comptroller within whose jurisdiction he is a statement showing the proceedings in such insolvency up to the date of the statement containing the prescribed particulars, and made out in the prescribed form;

Return of accounts to comptroller.

and any trustee failing to transmit accounts in compliance with this section shall be deemed guilty of an offence under the Indian Penal Code, section 176, and be punishable accordingly.

58. The comptroller shall examine the statements transmitted to him and shall call the trustee to account for any misfeasance, neglect, or omission which may appear on such statements, and may require the trustee to make good any loss the estate of the insolvent may have sustained by such misfeasance, neglect, or omission.

Duty of comptroller.

If the trustee fail to comply with such requisition of the comptroller, the comptroller may report the same to the Court; and the Court, after hearing the explanation, if any, of the trustee, shall make such order in the premises as it thinks just.

59. The comptroller may at any time require any trustee to answer any inquiry made by him in relation to any insolvency in which such trustee is engaged, and may, if he think fit, apply to the Court to examine on oath such trustee or any other person concerning such insolvency;

Powers of comptroller.

he may also direct a local investigation to be made of the books and vouchers of the trustees.

PART III.

CONSTITUTION AND POWERS OF COURT.

Description of Court.

60. From and after the commencement of this Act the following provisions shall take effect with respect to the Courts having jurisdiction in insolvency and their officers; that is to say,

Court to consist of High Court and District Courts.

If the person sought to be adjudged an insolvent reside or carry on business within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Fort William, Madras or Bombay, or within the limits of the towns of Allahabad or Lahore, then "the Court" shall mean, for the purposes of this Act, the High Court or the Chief Court of the Panjáb, as the case may be, and is hereinafter referred to as the Chief Insolvency Court:

If the person sought to be adjudged an insolvent do not reside or carry on business within such limits, then "the Court" shall, subject to the provisions hereinafter contained for removing the proceedings, mean the Court of the District Judge within whose jurisdiction such person resides or carries on business, and is hereinafter referred to as the Local Insolvency Court.

In the former part of this section "District Judge" means, in the Regulation Provinces, a Judge of a principal Civil Court of original jurisdiction,

in the Non-Regulation Provinces, other than British Burma and Sindh, a Commissioner of Division,

in Pegu, the Recorder at Rangoon,

in Arakan, the Recorder at Rangoon, until a Recorder's Court is established at Akyab, and thenceforward the Recorder at Akyab,

in the Tenasserim Provinces, the Recorder at Maulmain, and

in Sindh, the Judicial Commissioner in that Province.

Every Chief Insolvency Court shall be holden once a month at least throughout the year by any one Judge of the said High Courts and Chief Court, respectively.

Appointment of registrars and other officers.

61. Subject to the provisions in this Act with respect to the officers of the existing Courts for the Relief of Insolvent Debtors at Calcutta, Madras and Bombay, the registrars, clerks, and other subordinate officers of the Chief Insolvency Courts shall be appointed by the Chief Justice or Senior Judge for the time being, and may be removed by him and others appointed in their stead if he is of opinion that they are negligent, unskilful, or untrustworthy in the performance of their duties, or ought, in his opinion, to be removed for any other just cause.

Salaries of officers.

62. Subject as aforesaid, there shall be paid to the registrars, clerks, and other subordinate officers such salaries as the Local Government with the sanction of the Governor General of India in Council may determine.

Duties of subordinate officers of Court.

63. Subject as aforesaid, the registrars, clerks, and other subordinate officers of the Chief Insolvency Court shall perform such duties as may from time to time be assigned to them by the Chief Justice.

Jurisdiction of Chief Insolvency Court Judges.

64. Every Judge holding a Chief Insolvency Court shall have all the powers, jurisdiction, and privileges possessed by any Judge of a High Court, and the orders of such Judge shall be of the same force as if they were decrees of such High Court.

Jurisdiction of District Court Judges.

65. Every Judge of a Local Court of Insolvency shall, for the purposes of this Act, in addition to his ordinary powers as a District Court Judge, have all the powers and jurisdiction of a Judge of a High Court, and the orders of such Judge may be enforced accordingly in manner prescribed.

Powers of Court to delegate authority to registrar.

66. Every Judge of a Chief and of a Local Court of Insolvency may, subject and in accordance with the rules of Court for the time being in force, delegate to the registrar or to any other officer of his Court such of the powers vested in him by this Act as it may be expedient for the Judge to delegate to him.

Scale of fees.

67. The Chief Justice or (in the case of the Chief Court of the Panjáb) the Senior Judge, shall, with the sanction of the Governor General of India in Council, from time to time prescribe a scale of fees to be charged for any business done by any Court or officer thereof under this Act; and the Governor General in Council shall direct whether the same shall be imposed by stamps or otherwise, and by whom and in what manner the same shall be collected, accounted for, and appropriated, and whether any and what remuneration shall be allowed to any person performing any duties under this Act.

Registrars and officers in insolvency not to act as attorneys or vakils in Courts in which they hold office.

68. No registrar or officer of any Court having jurisdiction in insolvency shall, during his continuance in office, either directly or indirectly, by himself or partner, act as an attorney or vakíl in any proceeding in any insolvency in any Court of which he is registrar or officer, or in any appeal from such Court, or in any prosecution of an insolvent by order of such Court, under pain of dismissal by the Judge; and such dismissal shall be in writing, stating the reasons for the same; and a copy thereof shall be sent to the Chief Justice, who, if he see fit, may reinstate such registrar or officer.

Advocates, &c., of High Court may practise in Insolvency Court.

69. Every advocate, attorney, and vakíl of a High Court shall be, and may practise as such, in any Court of Insolvency, and if any person not being such advocate, attorney, or vakíl practises in the Court of Insolvency as advocate, attorney, or vakíl, he shall be deemed guilty of a contempt of the Court.

Appeal from Courts.

70. Every Court having jurisdiction in insolvency under this Act may review, rescind, or vary any order made by it in pursuance of this Act.

Any person aggrieved by any order of a Local Insolvency Court in respect of a matter of fact or of law made in pursuance of this Act, may appeal to the Chief Insolvency Court, and it shall be lawful for such Court to alter, reverse, or confirm such order as it thinks just.

All orders made by the Chief Insolvency Court in respect of matters brought before it on appeal shall be final, unless such Court gives leave to appeal to the Judicial Committee of the Privy Council.

For the purpose of this section 'Chief Insolvency Court' shall, in British Burma, mean the Chief Insolvency Court held at Fort William,

and in any other Non-Regulation province (except the Panjáb) the Chief Insolvency Court held where the High Court is established to whose original criminal jurisdiction the insolvent is for the time being subject, or would be subject if he were an European British subject of Her Majesty.

General power of Insolvency Courts.

71. Subject to the provisions of this Act, every Court having jurisdiction in insolvency under this Act shall have full power to decide all questions of priorities, and all other questions whatsoever, whether of law or fact, arising in any case of insolvency coming within the cognizance of such Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case;

and no such Court as aforesaid shall be subject to be restrained in the execution of its powers under this Act by the order of any other Court, nor shall any appeal lie from its decisions, except in manner directed by this Act.

Orders and Warrants of Court.

Enforcement of warrant and orders of Courts.

72. Any order made by a Court having jurisdiction in insolvency in any part of British India under this Act, shall be enforced in any other part of British India in the Courts having jurisdiction in insolvency in such parts, in the same manner in all respects as if such order had been made by the Courts which are hereby required to enforce the same.

Insolvency Courts to be auxiliary to each other.

73. The Chief Insolvency Court and the Local Insolvency Courts, and the officers of such Courts respectively, shall severally act in aid of and be auxiliary to each other in all matters of insolvency, and an order of the Court seeking aid, together with a request to another of the said Courts, shall be deemed sufficient to enable the latter Court to exercise, in regard to the matters directed by such order, the like jurisdiction which the Court which made the request, as well as the Court to which the request is made, could exercise in regard to similar matters within their respective jurisdictions.

Examination of persons out of jurisdiction.

74. Any Court having jurisdiction in insolvency in any part of British India under this Act may, if it thinks fit, order that a person named in the order being in any other part of British India shall be examined there.

Warrants of Insolvency Courts.

75. Any warrant of a Court having jurisdiction in insolvency in any part of British India under this Act may be enforced in any other part of British India, in the same manner in which a warrant issued under the Code of Criminal Procedure may be executed; and any search-warrant issued by a Court having jurisdiction in insolvency under this Act for the discovery of any property of an insolvent may be executed in manner prescribed, or in the same manner and subject to the same privileges in and subject to which a search-warrant for property supposed to be stolen may be executed according to law.

Commitment to prison.

76. Where any Court having jurisdiction in insolvency under this Act commits any person to prison, the commitment may be to such convenient prison as the Court thinks expedient, and if the gaoler of any prison refuses to receive any prisoner so committed he shall be liable for every such refusal to a penalty not exceeding one thousand rupees.

General Rules.

General rules to be made by Chief Justice or Senior Judge.

77. The Chief Justice or (in the case of the Chief Court of the Panjáb) the Senior Judge may from time to time make, and may from time to time revoke and alter, general rules, in this Act described as rules of Court, for the effectual execution of this Act and of the objects thereof, and the regulation of the practice and procedure of insolvency petitions and the proceedings thereon.

Any general rules made as aforesaid may prescribe regulations as to the following matters:—

the service of insolvency petitions, including provisions for substituted service;

the valuing of any debts provable in an insolvency;

the valuation of securities held by creditors;

the giving or withholding interest or discount on or in respect of debts or dividends;

the funds out of which costs are to be paid, the order of payment, and the amount and taxation thereof;

and as to any other matter or thing, whether similar or not to those above enumerated, in respect to which it may be expedient to make rules for carrying into effect the objects of this Act.

All rules so made shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if they were enacted in the body of this Act.

All rules made in pursuance of this section shall be laid before the Governor General in Council within three weeks after they are made, and all rules so made shall be judicially noticed.

Until rules have been made in pursuance of this Act, and so far as such rules do not extend, the principles, practice, and rules on which Courts having jurisdiction in insolvency have heretofore acted in dealing with insolvency proceedings shall be observed by any Court having jurisdiction in insolvency cases under this Act.

PART IV.

SUPPLEMENTAL PROVISIONS.

As to Proceedings.

Supplemental regulations as to proceedings in insolvency.

78. The following regulations shall be made with respect to proceedings in insolvency; namely,

(1.) Every insolvency petition shall be accompanied by an affidavit of the petitioner in the prescribed form, verifying the statements contained in such petition:

(2.) Where two or more insolvency petitions are presented against the same debtor or against debtors being members of the same partnership, the Court may consolidate the proceedings, or any of them, upon such terms as the Court thinks fit:

(3.) Where proceedings against the debtor are instituted in more Courts than one, the Chief Insolvency Court may, on the application of any creditor, direct the transfer of such proceedings to such Court or to any Local Insolvency Court:

(4.) Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Act in the case of a petitioning creditor:

(5.) Where the creditors resolve by a special resolution that it will be more convenient that the proceedings in any Local Insolvency Court should be transferred to the Chief Insolvency Court or to some other local Court, or where the judge of a local Court certifies that in his opinion the insolvency would be more advantageously conducted in the Chief Insolvency Court or in some other local Court, and the creditors do not by resolution object to the transfer, the petition shall be transferred to and all subsequent proceedings thereon had in the Chief Insolvency Court or such other local Court:

(6.) Subject to the provisions of this Act, every Court having original jurisdiction in insolvency shall be deemed to be the same Court, and to have jurisdiction throughout British India; and cases may be transferred from one Court to another in such manner as may be prescribed:

(7.) A corporation may prove a debt, vote, and otherwise act in insolvency, by an agent duly authorized under the seal of the corporation:

(8.) A creditor may, in the prescribed manner, by instrument in writing, appoint a person to represent him in all matters relating to any debtor or his affairs in which a creditor is concerned in pursuance of this Act, and such representative shall thereupon, for all the purposes of this Act, stand in the same position as the creditor who appointed him:

(9.) When a debtor who has been adjudicated an insolvent dies, the Court may order that the proceedings in the matter be continued as if he were alive:

(10.) The Court may, at any time, on proof to its satisfaction that proceedings in insolvency ought to be stayed, by reason that negotiations are pending for the liquidation of the affairs of the insolvent by arrangement, or for the acceptance of a composition by the creditors in pursuance of the provisions hereinafter contained, or on proof to its satisfaction of any other sufficient reason for staying the same, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as the Court thinks just.

79. Whenever any adjudication in insolvency is annulled, all sales and dispositions of property and payments duly made, and all acts theretofore done, by the trustee or any person acting under his authority, or by the Court, shall be valid; but the property of the debtor who was adjudged an insolvent shall in such case vest in such person as the Court may appoint, or, in default of any such appointment, revert to the insolvent for all his estate or interest therein, upon such terms and subject to such conditions, if any, as the Court declares by order.

Consequences of annulling of adjudication.

A copy of the order of the Court annulling the adjudication of a debtor as an insolvent shall be forthwith published in the local official Gazette and advertised locally in the prescribed manner, and the production of a copy of the Gazette containing such order shall be conclusive evidence of the fact of the adjudication having been annulled, and of the terms of the order annulling the same.

80. No proceeding in insolvency shall be invalidated by any formal defect or by any irregularity, unless the Court before which an objection is made to such proceeding is of opinion that substantial injustice has been caused by such defect or irregularity, and that such injustice cannot be remedied by any order of such Court.

Formal defects not to invalidate proceedings.

As to Trustees and Committee of Inspection.

81. The following regulations shall be made with respect to the trustee and committee of inspection:

Regulations as to trustees, &c.

(1.) The creditors may, if they think fit, appoint more persons than one to the office of trustee, and where more than one are appointed they shall declare whether any act required or authorized to be done by the trustee is to be done by all or any one or more of such persons; but all such persons are in this Act included under the term "trustee," and shall be joint tenants of the property of the insolvent. The creditors may also appoint persons to act as trustees in succession, in the event of one or more of the persons first named declining to accept the office of trustee:

(2.) If any vacancy occur in the office of trustee by death, resignation, or otherwise, the creditors in general meeting shall fill up such vacancy, and a general meeting for the purpose of filling up such vacancy may be convened by the continuing trustee, if there be more than one, or by the registrar on the requisition of any creditor:

(3.) If, through any cause whatever, there is no trustee acting during the continuance of an insolvency, the registrar of the Court for the time being having jurisdiction in the insolvency shall act as such trustee:

(4.) The Court may, upon cause shown, remove any trustee. The creditors may by special resolution at a meeting specially called for that purpose, of which seven days' notice has been given, remove the trustee and appoint another person to fill his office, and the Court shall give a certificate declaring him to be the trustee:

(5.) If a trustee be adjudged insolvent, he shall cease to be trustee, and the registrar shall, if there be no other trustee, call a meeting of creditors for the appointment of another trustee in his place:

(6.) The property of the insolvent shall pass from trustee to trustee, including under that term the registrar when he fills the office of trustee, and shall vest in the trustee for the time being during his continuance in office, without any conveyance, assignment, or transfer whatever:

(7.) The trustee of an insolvent may sue and be sued by the official name of "the trustee of the property of an insolvent," inserting the name of the insolvent, and by that name may hold property of every description, make contracts, sue and be sued, enter into any engagements binding upon himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office:

(8.) The certificate of appointment of a trustee shall, for the purposes of the Indian Registration Act, be deemed to be a conveyance or assignment of property, and may be registered accordingly:

(9.) All acts and things by this Act authorized or required to be done by or to the registrar may be done within the district of each Court having jurisdiction in insolvency by or to the registrar of that Court:

(10.) Any member of the committee of inspection may resign his office by notice in writing signed by him and delivered to the trustee:

(11.) The creditors may by resolution fix the quorum required to be present at a meeting of the committee of inspection:

(12.) Any member of the committee of inspection may also be removed by a special resolution at any meeting of creditors of which the prescribed notice has been given, stating the object of the meeting:

(13.) On any vacancy occurring in the office of a member of the committee of inspection by removal, death, resignation, or otherwise, the trustee shall convene a meeting of creditors for the purpose of filling up such vacancy:

(14.) The continuing members of the committee of inspection may act, notwithstanding any vacancy in their body; and where the number of members of the committee of inspection is for the time being less than five, the creditors may increase that number so that it does not exceed five:

(15.) No defect or irregularity in the election of a trustee or of a member of the committee of inspection shall vitiate any act *bonâ fide* done by him; and no act or proceeding of the trustee or of the creditors shall be invalid by reason of any failure of the creditors to elect all or any members of the committee of inspection:

(16.) If a member of the committee of inspection, become an insolvent his office shall thereupon become vacant:

(17.) Where there is no committee of inspection, any act or thing or any direction or consent by this Act authorized or required to be done or given by such committee may be done or given by the Court on the application of the trustee.

82. The registrar may adjourn the first meeting of creditors from time to time and from place to place, subject to the directions of the Court; but if, at such first meeting of creditors or at some adjournment thereof, no trustee is appointed by reason of the prescribed quorum not being present, or for any other reason whatever, the Court may annul the adjudication, unless it deems it expedient to carry on the insolvency with the aid of the registrar as trustee.

Power of Court, on failure of creditors, to appoint trustee.

Moreover, if at any time during the insolvency no new trustee is appointed to fill a vacancy in that office, the Court may either carry on the insolvency with the aid of the registrar as trustee or annul the order of adjudication as it thinks just.

As to Power over Insolvent.

83. The Court, upon the application of the trustee, may from time to time order that, for such time as the Court thinks fit, not exceeding three months from the date of the order of adjudication, post letters addressed to the insolvent at any place or any of the places mentioned in the order, shall be re-directed, sent, or delivered by the Director General of the Post Office or the officers acting under him to the trustee or otherwise as the Court directs, and the same shall be done accordingly.

Post letters addressed to insolvent.

84. The Court may, by warrant addressed to any constable or prescribed officer of the Court, cause a debtor to be arrested, and any books, papers, monies, goods, and moveable property in his possession to be seized, and him and them to be safely kept as prescribed until such time as the Court orders, under the following circumstances:—

Arrest of insolvent under certain circumstances.

(1.) If, after a petition of insolvency is presented against such debtor, it appear to the Court that there is probable reason for believing that he is about to go abroad or to quit his place of residence with a view of avoiding service of the petition, or of avoiding appearing to the petition, or of avoiding examination in respect of his affairs, or otherwise delaying or embarrassing the proceedings in insolvency:

(2.) If, after a petition in insolvency has been presented against such debtor, it appear to the Court that there is probable

cause for believing that he is about to remove his goods or chattels with a view of preventing or delaying such goods or chattels being taken possession of by the trustee, or that there is probable ground for believing that he has concealed or is about to conceal or destroy any of his goods or chattels, or any books, documents, or writings which might be of use to his creditors in the course of his insolvency:

(3.) If, after the service of the petition on such debtor, or after an adjudication in insolvency against him, he removes any goods or chattels in his possession above the value of fifty rupees, without the leave of the trustee, or if, without good cause shown, he fails to attend any examination ordered by the Court.

As to Property devolving on Trustee.

Proceeds of sale and seizure of goods.

85. Where the goods of any trader have been taken in execution in respect of a decree for a sum exceeding five hundred rupees and sold, the sheriff, in the case of a sale under the direction of the High Court at Fort William, Madras, or Bombay, and in the case of a sale under the direction of any other Court, the proper officer of such Court, shall retain the proceeds of such sale in his hands for a period of fourteen days, and upon notice being served on him within that period of an insolvency petition having been presented against such trader, shall hold the proceeds of such sale, after deducting expenses, on trust to pay the same to the trustee.

But if no notice of such petition having been presented be served on him within such period of fourteen days, or if, such notice having been served, the trader against whom the petition has been presented is not adjudged an insolvent on such petition, or on any other petition of which the sheriff or other officer has notice, he may deal with the proceeds of such sale in the same manner as he would have done had no notice of the presentation of an insolvency petition been served on him.

Appropriation of portion of pay of officers to creditors.

86. Where an insolvent is or has been an officer of the army or navy, or an officer or clerk or otherwise employed or engaged in the civil service of the Crown, or is in the enjoyment of any pension or compensation granted by Government, the trustee during the insolvency, and the registrar after the close of the insolvency, shall receive for distribution amongst the creditors so much of the insolvent's pay, half pay, salary, emolument, or pension as the Court, upon the application of the trustee, thinks just and reasonable, to be paid in such manner and at such times as the Court, with the consent in writing of the chief officer of the Department under which the pay, half pay, salary, emolument, pension, or compensation is enjoyed, directs.

Appropriation of portion of salary to creditors.

87. Where an insolvent is in the receipt of a salary or income other than as aforesaid, the Court upon the application of the trustee shall from time to time make such order as it thinks just for the payment of such salary or income, or of any part thereof, to the trustee during the insolvency, and to the registrar if necessary after the close of the insolvency, to be applied by him in such manner as the Court directs.

Avoidance of voluntary settlements.

88. Any settlement of property not being a settlement made before and in consideration of marriage, or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife, shall, if the settlor becomes insolvent within two years after the date of such settlement, be void as against the trustee of the insolvent appointed under this Act,

and shall, if the settlor becomes insolvent at any subsequent time within ten years after the date of such settlement, unless the parties claiming under such settlement can prove that the settlor was at the time of making the settlement able to pay all his debts without the aid of the property comprised in such settlement, be void against such trustee.

Any covenant or contract made by any person, in consideration of marriage, for the future settlement upon or for his wife or children of any money or property wherein he had not at the date of his marriage any estate or interest, whether vested or contingent in possession or remainder, and not being money or property of or in right of his wife, shall, upon his becoming insolvent before such property or money has been actually transferred or paid pursuant to such contract or covenant, be void against his trustee appointed under this Act.

"Settlement" shall for the purposes of this section include any conveyance or transfer of property.

Avoidance of fraudulent preferences.

89. Every conveyance or transfer of property, or charge thereon made, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own monies in favour of any creditor, or any person in trust for any creditor, with a view of giving such creditor a preference over the other creditors, shall, if the person making, taking, paying, or suffering the same become insolvent within three months after the date of making, taking, paying, or suffering the same, be deemed fraudulent and void as against the trustee of the insolvent appointed under this Act;

but this section shall not affect the rights of a purchaser, payee, or incumbrancer in good faith and for valuable consideration.

Payment of money by agents to trustee.

90. Every treasurer or other officer, or any banker, attorney, or agent of an insolvent, shall pay and deliver to the trustee all monies and securities in his possession or power, as such officer or agent, if he be not by law entitled to retain as against the insolvent or the trustee; if he do not, he shall be guilty of an offence under the Indian Penal Code, section 187, and may be punished accordingly on the application of the trustee.

Protection of certain transactions with insolvent.

91. Nothing in this Act contained shall render invalid—

(1.) Any payment made in good faith and for value received to any insolvent before the date of the order of adjudication by a person not having at the time of such payment notice of any act of insolvency committed by the insolvent, and available against him for adjudication:

(2.) Any payment or delivery of money or goods belonging to an insolvent, made to such insolvent by a depositary of such money or goods before the date of the order of adjudication, who had not at the time of such payment or delivery notice of any act of insolvency committed by the insolvent, and available against him for adjudication:

(3.) Any contract or dealing with any insolvent made in good faith and for valuable consideration, before the date of the order of adjudication, by a person not having at the time of making such contract or dealing notice of any act of insolvency committed by the insolvent, and available against him for adjudication.

Protection of certain transactions entered into by or in relation to the property of the insolvent.

92. Subject and without prejudice to the provisions of this Act relating to the proceeds of the sale and seizure of goods, and to the provisions of this Act avoiding certain settlements, and avoiding, on the ground of their constituting fraudulent preferences, certain conveyances, charges, payments, and judicial proceedings, the following transactions by and in relation to the property of an insolvent shall be valid, notwithstanding any prior act of insolvency,—

(1.) Any disposition or contract with respect to the disposition of property by conveyance, transfer, charge, delivery of goods, payment of money, or otherwise, howsoever made by any insolvent in good faith and for valuable consideration, before the date of the order of adjudication, with any person not having at the time of the making of such disposition of property notice of any act of insolvency committed by the insolvent, and available against him for adjudication:

(2.) Any execution or attachment against the land of the insolvent, executed in good faith by seizure before the date of the order of adjudication, if the person on whose account such execution or attachment was issued had not at the time of the same being so executed by seizure notice of any act of insolvency committed by the insolvent, and available against him for adjudication:

(3.) Any execution or attachment against the goods of any insolvent, executed in good faith by seizure and sale before the date of the order of adjudication, if the person on whose account such execution or attachment was issued had not at the time of the same being executed by seizure and sale notice of any act of insolvency committed by the insolvent, and available against him for adjudication.

As to Discovery of Insolvent's Property.

Power of Court to summon persons before it suspected of having property of insolvent.

93. The Court may, on the application of the trustee, at any time after an order of adjudication has been made against an insolvent, summon before it the insolvent or his wife, or any person whatever known or suspected to have in his possession any of the estate or effects belonging to the insolvent, or supposed to be indebted to the insolvent,

or any person whom the Court deems capable of giving information respecting the insolvent, his trade, dealings or property,

and the Court may require any such person to produce any documents in his custody or power relating to the insolvent, his dealings or property.

If any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed, or refuses to produce such documents, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant addressed as aforesaid, cause such person to be apprehended and brought up for examination.

Examination of parties by Court.

94. The Court may examine upon oath, either by word of mouth or by written interrogatories, any person so brought before it in manner aforesaid concerning the insolvent, his dealings or property.

Order of Court for payment of amount admitted on examination.

95. If any person on examination before the Court admit that he is indebted to the insolvent, the Court may, on the application of the trustee, order him to pay to the trustee, at such time and in such manner as to the Court seems expedient, the amount admitted, or any part thereof, either in full discharge of the whole amount in question or not, as the Court thinks fit, with or without costs of the examination.

Seizure of property of insolvent.

96. Any person acting under warrant of the Court may seize any property of the insolvent divisible amongst his creditors under this Act, and in the insolvent's custody or possession, or in that of any other person;

and with a view to such seizure may break open any house, building, or room of the insolvent where the insolvent is supposed to be, or any building or receptacle of the insolvent where any of his property is supposed to be.

Where the Court is satisfied that there is reason to believe that property of the insolvent is concealed in a house or place not belonging to him, the Court may, if it thinks fit, grant a search-warrant to any constable or prescribed officer of the Court, who may execute the same according to the tenor thereof.

Joint and separate Estates.

Power to present petition against one partner.

97. Any creditor whose debt is sufficient to entitle him to present an insolvency petition against all the partners of a firm may present such petition against any one or more partners of such firm without including the others.

Power to dismiss petition against some respondents only.

98. Where there are more respondents than one to a petition, the Court may dismiss the petition as to one or more of them, without prejudice to the effect of the petition as against the other or others of them.

Property of partners to be vested in same trustee.

99. Where one member of a partnership has been adjudicated an insolvent, any other petition for adjudication against a mem-

ber of the same partnership shall be filed in or transferred to the Court in which the first-mentioned petition is in course of prosecution,

and, unless the Court otherwise directs, the property of such last-mentioned member shall vest in the trustee appointed in respect of the property of the first-mentioned member of the partnership,

and the Court may give such directions for amalgamating the proceedings in respect of the properties of the members of the same partnership as it thinks just.

Joint creditor may prove for purpose of voting.

100. If one partner of a firm is adjudged insolvent, any creditor to whom the insolvent is indebted jointly with the other partners of the firm or any of them, may prove his debt for the purpose of voting at any meeting of creditors, and shall be entitled to vote thereat, but shall not receive any dividend out of the separate property of the insolvent until all the separate creditors have received the full amount of their respective debts.

Joint and separate dividends.

101. Where joint and separate properties are being administered, dividends of the joint and separate properties shall, subject to any order to the contrary that may be made by the Court on the application of any person interested, be declared together.

The expenses of and incident to such dividends shall be fairly apportioned by the trustee between the joint and separate properties, regard being had to the work done for and the benefit received by each property.

Suits by trustee and insolvent's partners.

102. Where a member of a partnership is adjudged insolvent, the Court may authorize the trustee, with consent of the creditors, certified by a special resolution, to commence and prosecute any suit in the names of the trustee and of the insolvent partner; and any release by such partner of the debt or demand to which the action or suit relates shall be void.

But notice of the application for authority to commence the suit shall be given to such partner, and he may show cause against it, and on his application, the Court may, if it thinks fit, direct that he shall receive his proper share of the proceeds of the suit, and if he does not claim any benefit therefrom, he shall be indemnified against costs in respect thereof as the Court directs.

Evidence.

Evidence of proceedings at meeting of creditors.

103. The registrar, or any other person presiding at a meeting of creditors under this Act, shall cause minutes to be kept and duly entered in a book of all resolutions and proceedings of such meeting.

Any such minute as aforesaid, if purporting to be signed by the chairman of the meeting at which such resolutions were passed or proceedings had, shall be received as evidence in all legal proceedings;

and, until the contrary is proved, every general meeting of the creditors in respect of the proceedings of which minutes have been so made shall be deemed to have been duly held and convened, and all resolutions passed thereat or proceedings had to have been duly passed and had.

Evidence of proceedings in insolvency.

104. Any petition or copy of a petition in insolvency,

any order or copy of an order made by any Court having jurisdiction in insolvency,

any certificate or copy of a certificate made by any Court having jurisdiction in insolvency,

any deed or copy of a deed of arrangement in insolvency,

and any other instrument or copy of an instrument, affidavit, or document made or used in the course of any insolvency proceedings, or other proceedings had under this Act,

may, if any such instrument as aforesaid or copy of an instrument appears to be sealed with the seal of any Court having jurisdiction, or purports to be signed by any Judge having jurisdiction in insolvency under this Act, be receivable in evidence in all legal proceedings whatever.

Death of witness.

105. In case of the death of the insolvent or his wife, or of a witness whose evidence has been received by any Court in any proceeding under this Act, the deposition of the person so deceased, purporting to be sealed with the seal of the Court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to.

Insolvency Courts to have seals.

106. Every Court having jurisdiction in insolvency under this Act shall have a seal describing such Court in such manner as may be directed by order of the Chief Justice, and judicial notice shall be taken of such seal, and of the signature of the Judge or registrar of any such Court, in all legal proceedings.

Miscellaneous.

Expenses of registrar attending meetings, &c.

107. Where a registrar under the authority of this Act attends at any place for the purpose of presiding at a meeting of creditors, or of receiving proofs, or of otherwise acting under this Act, his travelling and incidental expenses incurred in so doing, and those of any clerk or officer attending him, shall, after being settled by the Court, be paid out of the insolvent's property, if sufficient, and otherwise shall be deemed part of the expenses of the Court.

Power of assignee to sue.

108. Any person to whom anything in action belonging to the insolvent is assigned in pursuance of this Act may bring or defend any suit relating to such thing in action in his own name.

Saving as to joint contracts.

109. Where an insolvent is a contractor in respect of any contract jointly with any other person or persons, such person or persons may sue or be sued in respect of such contract without the joinder of the insolvent.

Exemption of deeds, &c., from stamp-duty.

110. Every deed, conveyance, assignment or other assurance relating solely to immoveable property, or to any mortgage, charge, or other incumbrance on, or any estate, right, or interest in, any moveable or immoveable property which is part of the estate of any insolvent, and which after the execution of such deed, conveyance, assignment or other assurance, is or remains the estate of the insolvent or of the trustee under the insolvency, and every power-of-attorney, proxy-paper, order, certificate, affidavit, bond or other instrument or writing relating solely to the property of any insolvent or to any proceeding under any insolvency, shall be exempt from stamp-duty (except in respect of fees under this Act).

Computation of time.

111. Where by this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then, in the computation of such limited time, the same shall be taken as exclusive of the day of such date or of the happening of such event, and as commencing at the beginning of the next following day; and the act or proceeding shall be done or taken at latest on the last day of such limited time according to such computation, unless such last day is a Sunday, Christmas Day, Good Friday, or a day on which, in pursuance of a notification by the Chief Justice under this Act, the Court does not sit, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified.

Where by this Act any act or proceeding is directed to be done or taken on a certain day, then, if that day happens to be one of the days in this section specified, such act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified.

Returns by insolvency officer.

112. The registrars and other officers of the Courts acting in insolvency shall make to the Local Government such returns of the business of their respective Courts and offices, at such times and in such manner and form as may be prescribed by the rules of Court, and from such returns such officer as the Local Government shall from time to time appoint shall, in manner prescribed by the rules of Court, frame books (which shall be, under the regulations of the rules of Court, open for public information and searches), and also a general annual report to the Government of India, judicial and financial, respecting all matters within this Act.

Forfeiture of dividends after five years' non-claim.

113. Where any dividends remain unclaimed for five years, then and in every such case the same shall be deemed vested in the Secretary of State for India in Council, and shall be disposed of as the Governor General of India in Council directs.

Removal of insolvent from trusteeship.

114. Where an insolvent is a trustee within the Indian Trustee Act, 1866, section thirty-five of that Act shall have effect so as to authorize the Court to appoint a new trustee in substitution for the insolvent (whether voluntarily resigning or not), if it appears to the Court expedient to do so, and all provisions of that Act, and of any other Act relative thereto, shall have effect accordingly.

PART V.

LIQUIDATION BY ARRANGEMENT.

Regulations.

Regulations as to liquidation by arrangement.

115. The following regulations are prescribed with respect to the liquidation by arrangement of the affairs of the debtor:

(1.) A debtor unable to pay his debts may summon a general meeting of his creditors, and such meeting may, by a special resolution as defined by this Act, declare that the affairs of the debtor are to be liquidated by arrangement and not in insolvency, and may at that or some subsequent meeting, held at an interval of not more than a week, appoint a trustee, with or without a committee of inspection.

(2.) All the provisions of this Act relating to a first meeting of creditors, and to subsequent meetings of creditors in the case of an insolvency, including the description of creditors entitled to vote at such meetings, and the debts in respect of which they are entitled to vote, shall apply respectively to the first meeting of creditors, and to subsequent meetings of creditors, for the purposes of this section, subject to the following modifications:

(*a.*) Every such meeting shall be presided over by such chairman as the meeting may elect; and

(*b.*) No creditor shall be entitled to vote until he has proved by oath a debt provable in insolvency to be due to him, and the amount of such debt, with any prescribed particulars; and any person wilfully making a false oath in relation to such debt shall be deemed guilty of the offence of giving false evidence in a judicial proceeding:

(3.) The debtor, unless prevented by sickness or other cause satisfactory to such meeting, shall be present at the meeting at which the special resolution is passed, and shall answer any inquiries made of him, and he, or, if he is so prevented from being at such meeting, some one on his behalf, shall produce to the meeting a statement showing the whole of his assets and debts, and the names and addresses of the creditors to whom his debts are due:

(4.) The special resolution, together with the statement of the assets and debts of the debtor, and the name of the trustee appointed, and of the members, if any, of the committee of inspection, shall be presented to the registrar, and it shall be his duty to inquire whether such resolution has been passed in manner directed by this section; but if satisfied that it was so passed, and that a trustee has been appointed with or without a committee of inspection, he shall forthwith register the resolution and the statement of the assets and debts of the debtor, and such resolution and statement shall be open for inspection on the

prescribed conditions, and the liquidation by arrangement shall be deemed to have commenced as from the date of the appointment of the trustee:

(5.) All such property of the debtor as would, if he were made insolvent, be divisible amongst his creditors shall, from and after the date of the appointment of a trustee, vest in such trustee under a liquidation by arrangement, and be divisible amongst the creditors, and all such settlements, conveyances, transfers, charges, payments, obligations, and proceedings as would be void against the trustee in the case of an insolvency shall be void against the trustee in the case of liquidation by arrangement.

(6.) The certificate of the registrar in respect of the appointment of any trustee in the case of a liquidation by arrangement shall be of the same effect as a certificate of the Court to the like effect in the case of an insolvency:

(7.) The trustee under a liquidation shall have the same powers, and perform the same duties, as a trustee under an insolvency, and the property of the debtor shall be distributed in the same manner as in an insolvency;

and with the modification hereinafter mentioned all the provisions of this Act shall, so far as the same are applicable, apply to the case of a liquidation by arrangement in the same manner as if the word "insolvent" included a debtor whose affairs are under liquidation, and the word "insolvency" included liquidation by arrangement;

and in construing such provisions, the appointment of a trustee under a liquidation shall, according to circumstances, be deemed to be equivalent to and a substitute for the presentation of a petition in insolvency, or the service of such petition or an order of adjudication in insolvency:

(8.) The creditors at their first or any general meeting may prescribe the Bank into which the trustee is to pay any monies received by him, and the sum which he may retain in his hands:

(9.) The provisions of this Act with respect to the close of the insolvency, discharge of an insolvent, to the release of the trustee, and to the audit of accounts by the comptroller shall not apply in the case of a debtor whose affairs are under liquidation by arrangement.

But the close of the liquidation may be fixed, and the discharge of the debtor and the release of the trustee may be granted, by a special resolution of the creditors in general meeting, and the accounts may be audited in pursuance of such resolution, at such time and in such manner and upon such terms and conditions as the creditors think fit:

(10.) The trustee shall report to the registrar the discharge of the debtor, and a certificate of such discharge given by the registrar shall have the same effect as an order of discharge given to an insolvent under this Act:

(11.) Rules of Court may be made in relation to proceedings on the occasion of liquidation by arrangement in the same manner and to the same extent and of the same authority as in respect of proceedings in insolvency:

(12.) If it appear to the Court on satisfactory evidence that the liquidation by arrangement cannot, in consequence of legal difficulties, or of there being no trustee for the time being, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, the Court may adjudge the debtor an insolvent, and proceedings may be had accordingly:

(13.) Where no committee of inspection is appointed, the trustee may act on his own discretion in cases where he would otherwise have been bound to refer to such committee:

(14.) In calculating a majority on a special resolution for the purposes of this section, creditors whose debts amount to sums not exceeding one hundred rupees shall be reckoned in the majority in value, but not in the majority in number.

PART VI.

COMPOSITION WITH CREDITORS.

Regulations.

116. The creditors of a debtor unable to pay his debts may, without any proceedings in insolvency, by an extraordinary resolution, resolve that a composition shall be accepted in satisfaction of the debts due to them from the debtor.

Regulations as to composition by creditors.

117. An extraordinary resolution of creditors shall be a resolution which has been passed by a majority in number and three-fourths in value of the creditors of the debtor, assembled at a general meeting to be held in the manner prescribed, of which notice has been given in the prescribed manner, and has been confirmed by a majority in number and value of the creditors assembled at a subsequent general meeting, of which notice has been given in the prescribed manner, and held at an interval of not less than seven days nor more than fourteen days from the date of the meeting at which such resolution was first passed.

Extraordinary resolution defined.

118. In calculating a majority for the purposes of a composition under this Part, creditors whose debts amount to sums not exceeding one hundred rupees shall be reckoned in the majority in value, but not in the majority in number, and the value of the debts of secured creditors shall, as nearly as circumstances admit, be estimated in the same way, and the same description of creditors shall be entitled to vote at such general meetings as in insolvency.

Majority how calculated.

119. The debtor, unless prevented by sickness or other cause satisfactory to such meetings, shall be present at both the meetings at which the extraordinary resolution is passed, and shall answer any inquiries made of him, and he, or, if he is so prevented from being at such meetings, some one on his behalf, shall produce to the meetings a statement showing the whole of his assets and debts, and the names and addresses of the creditors to whom such debts respectively are due.

Debtor to be present.

120. The extraordinary resolution, together with the statement of the debtor as to his assets and debts, shall be presented to the registrar, and it shall be his duty to inquire whether such resolution has been passed in manner directed by this section, and if satisfied that it has been so passed he shall forthwith register the resolution and statement of assets and debts; but until such registration has taken place such resolution shall be of no validity; and any creditor of the debtor may inspect such statement at prescribed times, and on payment of such fee, if any, as may be prescribed.

Extraordinary resolution to be registered.

121. The creditors may, by an extraordinary resolution, add to or vary the provisions of any composition previously accepted by them, without prejudice to any persons taking interests under such provisions who do not assent to such addition or variation; and any such extraordinary resolution shall be presented to the registrar in the same manner and with the same consequences as the extraordinary resolution by which the composition was accepted in the first instance.

Alteration of composition.

122. The provisions of a composition accepted by an extraordinary resolution in pursuance of this section shall be binding on all the creditors whose names and addresses, and the amount of the debts due to whom, are shown in the statement of the debtor, produced to the meetings at which the resolution has passed, but shall not affect or prejudice the rights of any other creditors.

Composition to be binding.

123. Where a debt arises on a bill of exchange, hundí or promissory note, if the debtor is ignorant of the holder of any such bill of exchange, hundí or promissory note, he shall be required to state the amount of such bill, hundí or note, the date on which it falls due, the name of the acceptor or person to whom it is payable, and any other particulars within his knowledge respecting the same; and the insertion of such particulars shall be deemed a sufficient description of the creditor of the debtor in respect of such debt, and any mistake made inadvertently by a debtor in the statement of his debts may be corrected after the prescribed notice has been given, with the consent of a general meeting of his creditors:

Provision as to debts on bills or notes.

124. The provisions of any composition made in pursuance of this section may be enforced by the Court on a motion made in a summary manner by any person interested, and any disobedience of the order of the Court made on such motion shall be deemed to be an offence under the Indian Penal Code, section 187.

Enforcement of composition.

125. Rules of Court may be made in relation to proceedings on the occasion of the acceptance of a composition by an extraordinary resolution of creditors in the same manner and to the same extent and of the same authority as in respect of proceedings in insolvency:

Rules as to accepting composition.

126. If it appear to the Court on satisfactory evidence that a composition under this section cannot, in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, the Court may adjudge the debtor an insolvent, and proceedings may be had accordingly.

Stoppage of composition.

127. The registration by the registrar of a special resolution of the creditors on the occasion of a liquidation by arrangement under Part five of this Act, or of an extraordinary resolution of the creditors on the occasion of a composition under the sixth Part of this Act, shall, in the absence of fraud, be conclusive evidence that such resolutions respectively were duly passed and all the requisitions of this Act in respect of such resolutions complied with.

Registration of resolutions of creditors conclusive in certain cases.

STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to establish, throughout British India, a law under which the property of an insolvent may be cheaply and speedily divided amongst his creditors, and the Bill provides that such division shall be conducted by the creditors themselves, either under the immediate supervision of the Court, or by a process called "liquidation by arrangement." The Bill also defines and amends the law relating to compositions with creditors.

An Insolvent law, the 11th & 12th Vic., cap. 21, exists in the three Presidency towns, but the Judges who have had most experience in working it consider it defective in many respects. In the Mofussil, the 270th and 271st sections of the Code of Civil Procedure act as a sort of substitute for a law of bankruptcy. They provide simply that, if property is attached and sold in execution of a decree, the surplus, if any, shall be divided rateably amongst any other persons who, prior to the order for distribution, have taken out execution of decrees against the defendant and not obtained satisfaction.

These provisions have, in practice, been found to act in a very crude and imperfect manner. They are obviously very incomplete. They provide no machinery for the collection of the insolvent's assets. They contain no security against fraud. They hold out a premium to a competition between creditors for the first decree, which in practice is most injurious to their common interests. The first creditor who gets a decree and takes out execution is entitled to be paid in full, while the rest come in *pari passu* and

divide what is left. The result is (as Mr. Broughton remarks) that there is an injurious contest for the first decree against a trader supposed to be in difficulties; that his property is attached and sold on the spot, always at a considerable loss; that perishable goods are hurried away to improper receptacles and are often greatly damaged, and that the judgment debtor is tempted to resort to fraud in order to avoid the consequences of his position. Thus an insolvent defendant often selects which of his creditors shall be paid in full, or which shall be paid at all; and in many cases (says Mr. Justice Markby, 3 Ben. Law Rep. A. C. J. 403) the first in the list of attaching creditors is really only a nominal creditor acting on behalf of the defendant.

The present Bill is taken from the Bankruptcy Act of 1869 (32 & 33 Vic., c. 71). Its leading feature is that the insolvent obtains his discharge on the surrender of his property, if his assets are sufficient to pay eight annas in the rupee, or if his creditors wish him to be discharged. If the assets do not reach this amount, and if the difference is not paid in three years, the amount unpaid becomes a judgment debt against the insolvent, which may be enforced with the leave of the Court.

Several modifications have been introduced in order to adapt the English measure to India. Of these, the most important are the following: The Bill makes no distinction between traders and non-traders: the 'Chief Insolvency Court' is defined so as to include the four High Courts and the Chief Court of the Panjáb; the Local Insolvency Courts will be, in the Regulation Provinces, the District Courts; in the Non-Regulation Provinces, other than British Burma and Sindh, the Commissioners of Divisions; in Burma the Recorders; in Sindh the Judicial Commissioner. All orders made by the Chief Insolvency Court in respect of matters brought before it on appeal will be final, unless such Court gives leave to appeal to the Judicial Committee of the Privy Council.

SIMLA,
27th Sept. 1870.

J. F. STEPHEN.

WHITLEY STOKES,
Secy. to the Govt. of India,
Legislative Dept.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, NOVEMBER 12, 1870.

☞ **Separate paging is given to this Part in order that it may be filed as a separate compilation.**

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations:—

No. 26 OF 1870.

INSOLVENCY BILL.

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A BILL TO AMEND THE LAW OF INSOLVENCY.

Preamble. Whereas it is expedient to amend the law relating to Insolvency; It is hereby enacted as follows:—

Preliminary.

Short title. **1.** This Act may be cited as "The Indian Insolvency Act, 1871."

Extent of Act. **2.** This Act extends to the whole of British India.

Commencement of Act. **3.** This Act shall come into operation on the first day of *January* one thousand eight hundred and seventy-one.

Repeal of 11 & 12 Vic., cap. 21. **4.** On and from that day the eleventh and twelfth of Victoria, Chapter twenty-one, shall be repealed.

Interpretation of certain terms in the Act. **5.** In this Act, if not inconsistent with the context, the following terms have the meanings hereinafter respectively assigned to them; that is to say,

"Court." "The Court" shall mean the court having jurisdiction in Insolvency as by this Act provided:

"Registrar." "The Registrar" shall mean the Registrar of "the Court" as above defined or, where there is no Registrar, such officer as the Court appoints in this behalf:

"Prescribed." "Prescribed" shall mean prescribed by rules of Court to be made as in this Act provided:

"Property." "Property" shall mean and include money, goods, things in action, land, and every description of property, whether moveable or immoveable; also, obligations, easements, and every description of estate, interest, and profit, present or future, vested or contingent, arising out of or incident to property as above defined;

"Debt." "Debt provable in insolvency" shall include any debt or liability by this Act made provable in insolvency:

Exclusion of companies and large partnerships. **6.** A partnership, association, or company corporate or registered under "The Indian Companies Act, 1866," shall not be adjudged insolvent under this Act.

PART I.

ADJUDICATION, VESTING AND ADMINISTRATION OF PROPERTY.

Adjudication.

Petition for adjudication in insolvency. **7.** A single creditor, or two or more creditors, if the debt due to such single creditor or the aggregate amount of debts due to such several creditors, from any debtor, amount to a sum of not less than five hundred rupees, may present a petition to the Court, praying that the debtor be adjudged an insolvent, and alleging as the ground for such adjudication any one or more of the following acts or defaults, hereinafter deemed to be and included under the expression "acts of insolvency:"

(1.) That the debtor has, in India or elsewhere, made a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally:

(2.) That the debtor has, in India or elsewhere, made a fraudulent conveyance, gift, delivery, or transfer of his property or of any part thereof:

(3.) That the debtor has, with intent to defeat or delay his creditors, done any of the following things, namely, departed out of India, or departed from his dwelling house, or otherwise absented himself; or begun to keep house; or being out of India, remained out of India, or suffered himself to be outlawed:

(4.) That the debtor has filed in the prescribed manner in the Court a declaration admitting his inability to pay his debts:

(5). That execution issued against the debtor on any legal process for the purpose of obtaining payment of not less than five hundred rupees has been levied by seizure and sale of his goods:

(6.) That the creditor presenting the petition has served in the prescribed manner on the debtor a debtor's summons requiring the debtor to pay a sum due, of an amount of not less than five hundred rupees, and the debtor has for the space of fourteen days succeeding the service of such summons, neglected to pay such sum, or to secure or compound for the same.

But no person shall be adjudged an insolvent on any of the above grounds unless the act of insolvency on which the adjudication is grounded has occurred within six months before the presentation of the petition for adjudication.

The debt of the petitioning creditor must be a liquidated sum due and must not be a secured debt, unless the petitioner state in his petition that he will be ready to give up such security for the benefit of the creditors in the event of the debtor being adjudicated an insolvent, or unless the petitioner is willing to give an estimate of the value of his security, in which latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him after deducting the value so estimated; but he shall, on an application being made by the trustee within the prescribed time after the date of adjudication, give up his security to such trustee for the benefit of the creditors upon payment of such estimated value.

Proceedings in relation to a debtor's summons. **8.** A debtor's summons may be granted by the Court on a creditor proving to its satisfaction that a debt sufficient to support a petition in insolvency is due to him from the person against whom the summons is sought, and that the creditor has failed to obtain payment of his debt, after using reasonable efforts to do so.

The summons shall be in the prescribed form, resembling, as nearly as circumstances admit, a summons issued under the Code of Civil Procedure. It shall state that in the event of the debtor failing to pay the sum specified in the summons, or to compound for the same to the satisfaction of the creditor, a petition may be presented against him, praying that he may be adjudged an insolvent.

The summons shall have an endorsement thereon to the like effect, or such other prescribed endorsement as may be best calculated to indicate to the debtor the nature of the document served upon him, and the consequences of inattention to the requisitions therein made.

Any debtor served with a debtor's summons may apply to the Court, in the prescribed manner and within the prescribed time, to dismiss such summons, on the ground that he is not indebted to the creditor serving such summons, or that he is not indebted to such amount as will justify such creditor in presenting an insolvency petition against him;

and the Court may dismiss the summons, with or without costs, if satisfied with the allegations made by the debtor, or it may, upon such security (if any) being given as the Court may require for payment to the creditor of the debt alleged by him to be due, and the costs of establishing such debt, stay all proceedings on the summons for such time as will be required for the trial of the question relating to such debt.

Proceedings on petition. **9.** A petition praying that a debtor may be adjudged an insolvent, in this Act referred to as an insolvency petition, shall be served in the prescribed manner.

At the hearing, the Court shall require proof of the debt of the petitioning creditor, and of the trading, if necessary, and of the act of insolvency, or, if more than one act of insolvency is alleged in the petition, of some one of the alleged acts of insolvency, and, if satisfied with such proof, shall adjudge the debtor to be insolvent.

The Court may adjourn the petition, either conditionally or unconditionally, for the procurement of further evidence, or for any other just cause, or may dismiss the petition, with or without costs, as the Court thinks just.

Proceedings if debt of petitioning creditor is contested. **10.** Where the debtor appears on the petition, and denies that he is indebted to the petitioner, or that he is indebted to such amount as would justify the petitioner in presenting an insolvency petition against him, the Court, upon such security (if any) being given as the Court may require, for payment to the petitioner of any debt which may be established against him in due course of law, and of the costs of establishing such debt, may stay all proceedings on the petition for such time as may be required for trial of the question relating to such debt, and such trial shall be had in manner hereinbefore provided with respect to disputed debts under debtors' summonses.

Where proceedings are stayed, the Court may, if by reason of the delay caused by such stay of proceedings or for any other cause it thinks just, adjudge the debtor an insolvent on the petition of some other creditor, and shall thereupon dismiss, upon such terms as it thinks just, the petition proceedings in which have been stayed as aforesaid.

Advertisement of order of adjudication. **11.** A copy of an order of the Court adjudging the debtor to be insolvent shall be published in the local official Gazette, and be advertised locally in such manner (if any) as may be prescribed, and the date of such order shall be the date of the adjudication for the purposes of this Act, and the production of a copy of the Gazette containing such order as aforesaid shall be conclusive evidence in all legal proceedings of the debtor having been duly adjudged an insolvent, and of the date of the adjudication.

Definition of commencement of insolvency. **12.** The insolvency of a debtor shall be deemed to have relation back to and to commence on the completion of the act of insolvency on which the order adjudging him to be insolvent is made.

If the insolvent is proved to have committed more acts of insolvency than one, the insolvency shall be deemed to relate back to and to commence at the time of the first of the acts of insolvency that may be proved to have been committed by the insolvent within twelve months next preceding the order of adjudication. The insolvency shall

not relate to any prior act of insolvency, unless at the time of committing such prior act the insolvent was indebted to some creditor or creditors in a sum or sums sufficient to support a petition in insolvency, and unless such debt or debts are still remaining due at the time of the adjudication.

13. Where a debtor is adjudicated an insolvent, no creditor to whom the insolvent is indebted in respect of any debt provable in the insolvency shall have any remedy against the property or person of the insolvent in respect of such debt except in manner directed by this Act.

Creditors bound by insolvency proceedings.

This section shall not affect the power of any creditor holding a security upon the property of the insolvent to realize or otherwise deal with such security in the same manner as he would have been entitled to realize or deal with the same if this section had not been passed.

14. The Court may, at any time after the presentation of an insolvency petition against the debtor, restrain further proceedings in any suit, execution, or other legal process against him in respect of any debt provable in insolvency, or it may allow such proceedings, whether in progress at the commencement of the insolvency or commenced during its continuance, to proceed upon such terms as the Court thinks just.

Power of Court, after presentation of petition, to restrain suits, &c., and appoint receiver.

The Court may also, at any time after the presentation of such petition, appoint a receiver or manager of the property or business of the debtor against whom the petition is presented, [illegible] part thereof, and may direct immediate possession to be taken of such property or business, or any part thereof.

Appointment of Trustee.

15. When an order has been made adjudging a debtor insolvent, herein referred to as an order of adjudication, the property of the insolvent shall become divisible amongst his creditors in proportion to the debts proved by them in the insolvency; and for the purpose of effecting such division the Court shall, as soon as may be, summon a general meeting of his creditors, and the creditors assembled at such meeting shall and may do as follows:

Meeting of creditors for appointment of persons to administer insolvent's property.

(1.) They shall, by resolution, appoint some fit person, whether a creditor or not, to fill the office of trustee of the property of the insolvent, at such remuneration (if any) as they may from time to time determine, or they may resolve to leave his appointment to the committee of inspection hereinafter mentioned:

(2.) They shall, when they appoint a trustee, by resolution declare what security is to be given, and to whom, by the person so appointed, before he enters on the office of trustee:

(3.) They shall, by resolution, appoint some other fit persons, not exceeding five in number, and being creditors qualified to vote at such first meeting of creditors as is in this Act mentioned, or authorized in the prescribed form by creditors so qualified to vote, to form a committee of inspection for the purpose of superintending the administration by the trustee of the insolvent's property:

(4.) They may, by resolution, give directions as to the manner in which the property is to be administered by the trustee, and it shall be the duty of the trustee to conform to such directions, unless the Court for some just cause otherwise orders.

16. The property of the insolvent divisible amongst his creditors, and in this Act referred to as the property of the insolvent, shall not comprise the following particulars:

Descriptions of insolvent's property divisible amongst creditors.

(1.) Property held by the insolvent on trust for any other person:

(2.) The tools (if any) of his trade, and the necessary wearing apparel and bedding of himself, his wife and children, to a value, inclusive of tools and apparel and bedding, not exceeding two hundred rupees in the whole:

But it shall comprise the following particulars:—

(3.) All such property as may belong to or be vested in the insolvent at the commencement of the insolvency, or may be acquired by or devolve on him during its continuance:

(4.) The capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as might have been exercised by the insolvent for his own benefit at the commencement of his insolvency or during its continuance:

(5.) All goods and chattels being, at the commencement of the insolvency, in the possession, order, or disposition of the insolvent, by the consent and permission of the true owner, of which goods and chattels the insolvent is reputed owner, or of which he has taken upon himself the sale or disposition as owner: provided that things in action, other than debts due to him in the course of his trade or business, shall not be deemed goods and chattels within the meaning of this clause.

17. The general meeting of creditors to be summoned as aforesaid by the Court, and in this Act referred to as the first meeting of creditors, shall be held in the prescribed manner and subject to the prescribed regulations as to the quorum, adjournment of meeting, and all other matters relating to the conduct of the meeting or the proceedings thereat:

Regulations as to first meeting of creditors.

Provided that,—

1. The meeting shall be presided over by the registrar, or, in the event of his being unable to attend through illness or any unavoidable cause, by such chairman as the meeting may elect:
2. No person shall be entitled to vote as a creditor unless at or previously to the meeting he has in the prescribed manner proved a debt provable under the insolvency to be due to him:
3. No creditor shall vote at the said meeting in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained:

4. A secured creditor shall, for the purpose of voting, be deemed to be a creditor only in respect of the balance (if any) due to him after deducting the value of his security; and the amount of such balance shall, until the security be realized, be determined in the prescribed manner. He may, however, at or previously to the meeting of creditors, give up the security to the trustee, and thereupon he shall rank as a creditor in respect of the whole sum due to him:
5. A "secured creditor" shall in this Act mean any creditor holding any mortgage, charge, or lien on the insolvent's estate, or any part thereof, as security for a debt due to him:
6. Votes may be given either personally or by proxy:
7. An ordinary resolution shall be decided by a majority in value of the creditors present personally or by proxy at the meeting and voting on such resolution:
8. A special resolution shall be decided by a majority in number, and three-fourths in value, of the creditors present personally or by proxy at the meeting and voting on such resolution.

18. Until a trustee is appointed the registrar shall be the trustee for the purposes of this Act, and immediately upon the order of adjudication being made the property of the insolvent shall vest in the registrar. On the appointment of a trustee the property shall forthwith pass to and vest in the trustee appointed.

Devolution of property on trustee.

The expression "trustee," when used in this Act, shall include the person for the time being filling the office of trustee, whether he be the registrar or not; but when the registrar holds the office of trustee he shall, unless the Court otherwise orders, in the administration of the property of the insolvent, apply to the Court for directions as to the mode of administering such property, and shall not take possession thereof unless directed by the Court.

19. The appointment of a trustee shall be reported to the Court, and the Court, upon being satisfied that the requisite security has been entered into by him, shall give a certificate declaring him to be trustee of the insolvency named in the certificate: such certificate shall be conclusive evidence of the appointment of the trustee, and such appointment shall date from the date of the certificate.

Evidence of appointment of trustee.

When the registrar holds the office of trustee, or when the trustee is changed, a like certificate of the Court may be made declaring the person therein named to be trustee, and such certificate shall be conclusive evidence of the person therein named being trustee.

Administration of Property.

20. The insolvent shall, to the utmost of his power, aid in the realization of his property, and the distribution of the proceeds amongst his creditors.

Conduct of insolvent.

He shall produce a statement of his affairs to the first meeting of creditors, and shall be publicly examined thereon on a day to be named by the Court, and subject to such adjourned public examination as the Court may direct.

He shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, attend such meetings of his creditors, wait at such times on the trustee, execute such powers of attorney, conveyances, deeds and instruments, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors, as may be reasonably required by the trustee, or may be prescribed by rules of Court, or be directed by the Court by any special order or orders made in reference to any particular insolvency, or made on the occasion of any special application by the trustee or any creditor.

If the insolvent wilfully fail to perform the duties imposed on him by this section, or if he fail to deliver up possession to the trustee of any part of his property, which is divisible amongst his creditors under this Act, and which may for the time being be in the possession or under the control of such insolvent, he shall, in addition to any other punishment to which he may be subject, be deemed guilty of an offence under the Indian Penal Code, section one hundred and eighty-seven, and may be punished accordingly.

21. The trustee shall, in the administration of the property of the insolvent and in the distribution thereof amongst his creditors, have regard to any directions that may be given by resolution of the creditors at any general meeting, or by the committee of inspection; and any directions so given by the creditors at any general meeting shall be deemed to override any directions given by the committee of inspection.

Conduct of trustee, and appeal to Court against trustee.

The trustee shall call a meeting of the committee of inspection once at least every three months, when they shall audit his accounts, and determine whether any or what dividend is to be paid; he may also call special meetings of the said committee as he thinks necessary.

Subject to the provisions of this Act, and to such directions as aforesaid, the trustee shall exercise his own discretion in the management of the estate, and its distribution amongst the creditors.

The trustee may from time to time summon general meetings of the creditors for the purpose of ascertaining their wishes; he may also apply to the Court, in manner prescribed, for directions in relation to any particular matter arising under the insolvency.

The insolvent, or any creditor, debtor, or other person aggrieved by any act of the trustee, may apply to the Court, and the Court may confirm, reverse, or modify the act complained of, and make such order in the premises as it thinks just.

The Court may from time to time, during the continuance of an insolvency, summon general meetings of the creditors for the purpose of ascertaining their wishes, and may, if the Court thinks fit, direct the registrar to preside at such meetings.

The trustee shall, in relation to and for the purpose of acquiring or retaining possession of the property of the insolvent, be in the same position in all respects as if he were a receiver of such property appointed by the Court under the Code of Civil Procedure, and the Court may, on his appli-

cation, enforce such acquisition or retention of property accordingly.

Regulations as to general meetings of creditors subsequent to first meeting.

22. The provisions of this Act with respect to the first general meeting of creditors shall apply to any subsequent general meeting of creditors in an insolvency, with this exception, that subsequent meetings of creditors may be summoned by the trustee, or by a member of the committee of inspection,

and that such meetings may, unless otherwise directed by the Court in the case of meetings summoned by the Court, be presided over by any person chosen by the creditors assembled at such meeting,

and that any creditor whose debt has been proved, or the value of whose debt has been ascertained at or subsequently to such first meeting, shall be allowed to be present and to vote thereat.

Dealings with Insolvent's Property.

Possession of property by trustee.

23. Where any portion of the property of the insolvent consists of stock, shares in ships, shares, or any other property transferable in the books of any company, office, or person, the right to transfer such property shall be absolutely vested in the trustee to the same extent as the insolvent might have exercised the same if he had not become insolvent.

Where any portion of the property of the insolvent consists of things in action, any suit or other proceeding for the recovery of such things instituted by the trustee shall be instituted in his official name, as in this Act provided; and such the shall, for the purpos preceeding, be of such suit or other to have been deemed to be assignable in law, and to have been duly assigned to the trustee in his official capacity.

The trustee shall, as soon as may be, take possession of the deeds, books, and documents of the insolvent, and all other property capable of manual delivery. The trustee shall keep, in such manner as rules of Court direct, proper books, in which he shall from time to time make or cause to be made entries or minutes of proceedings at meetings, and of such other matters as rules of Court direct, and any creditor of the insolvent may, subject to the control of the Court, personally or by his agent inspect such books.

Disclaimer as to onerous property.

24. When any property of the insolvent acquired by the trustee under this Act consists of land of any tenure burdened with onerous covenants, of unmarketable shares in companies, of unprofitable contracts, or of any other property that is unsaleable or not readily saleable, by reason of its binding the possessor thereof to the performance of any onerous act, or to the payment of any sum of money, the trustee, notwithstanding he has endeavoured to sell, or has taken possession of such property or exercised any act of ownership in relation thereto, may, by writing under his hand, disclaim such property.

Effect of disclaimer.

Upon the execution of such disclaimer the property disclaimed shall,

if the same is a contract, be deemed to be determined from the date of the order of adjudication,

and if the same is a lease, be deemed to have been surrendered on the same date,

and if the same be shares in any company, be deemed to be forfeited from that date,

and if any other species of property, it shall revert to the person entitled on the determination of the estate or interest of the insolvent, but if there shall be no person in existence so entitled, then in no case shall any estate or interest therein remain in the insolvent.

Any person interested in any disclaimed property may apply to the Court, and the Court may, upon such application, order possession of the disclaimed property to be delivered up to him, or make such other order as to the possession thereof as may be just.

Any person injured by the operation of this section shall be deemed a creditor of the insolvent to the extent of such injury, and may accordingly prove the same as a debt under the insolvency.

Limitation of time for disclaimer.

25. Any person interested in such property as is mentioned in the first clause of section twenty-four may give notice in writing to the trustee to decide whether he will disclaim it or not. If the trustee fails, within twenty-eight days after the receipt of such application or such further time as may be allowed by the Court, he shall not be entitled to disclaim any such property.

Power of trustee to deal with property.

26. Subject to the provisions of this Act, the trustee shall have power to do the following things:

(1.) To receive and decide upon proof of debts in the prescribed manner, and for such purpose to administer oaths:

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(2.) To carry on the business of the insolvent so far as may be necessary for the beneficial winding up of the same:

(3.) To bring or defend any suit, or other legal proceeding relating to the property of the insolvent:

(4.) To deal with any property to which the insolvent is beneficially entitled as tenant in tail in the same manner as the insolvent might have dealt with the same:

(5.) To exercise any powers the capacity to exercise which is vested in him under this Act, and to execute all powers-of-attorney, deeds, and other instruments expedient or necessary for the purpose of carrying into effect the provisions of this Act:

(6.) To sell all the property of the insolvent (including the goodwill of the business, if any, and the book-debts due or growing due to the insolvent) by public auction or private contract, with power, if he thinks fit, to transfer the whole thereof to any person or company, or to sell the same in parcels:

(7.) To give for any monies received by him, receipts which shall effectually discharge the persons paying such monies from all responsibility in respect of the application thereof:

(8.) To prove, rank, claim, and draw a dividend in the matter of the insolvency of any debtor of the insolvent.

Power to allow insolvent to manage property.

27. The trustee may appoint the insolvent himself to superintend the management of the property or of any part thereof, or to carry on the insolvent's trade (if any) for the benefit of the creditors, and in any other respect to aid in administering the property in such manner and on such terms as the creditors direct.

Power of trustee to compromise, &c.

28. The trustee may, with the sanction of the committee of inspection, do all or any of the following things:

(1) mortgage or pledge any part of the property of the insolvent for the purpose of raising money for the payment of his debts:

(2) refer any dispute to arbitration, compromise all debts, claims, and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist, between the insolvent and any debtor or person who may have incurred any liability to the insolvent, upon the receipt of such sums, payable at such times, and generally upon such terms as may be agreed upon:

(3) make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors in respect of any debts provable under the insolvency:

(4) make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the insolvent, made or capable of being made on the trustee by any person or by the trustee on any person:

(5) divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot advantageously be realized by sale.

The sanction given for the purposes of this section may be a general permission to do all or any of the above-mentioned things, or a permission to do all or any of them in any specified case or cases.

Power of trustee to accept composition or general scheme of arrangement.

29. The trustee may, with the sanction of a special resolution of the creditors assembled at any meeting of which notice has been given specifying the object of such meeting, accept any composition offered by the insolvent, or assent to any general scheme of settlement of the affairs of the insolvent upon such terms as may be thought expedient, and with or without a condition that the order of adjudication is to be annulled, subject nevertheless to the approval of the Court, to be testified by the judge of the Court signing the instrument containing the terms of such composition or scheme, or embodying such terms in an order of the Court.

Where the annulment of the order of adjudication is made a condition of any composition with the insolvent or of any general scheme for the liquidation of his affairs, the Court, if it approves of such composition or general scheme, shall annul the adjudication on an application made by or on behalf of any person interested, and the adjudication shall be annulled from and after the date of the order annulling the same.

The provisions of any composition or general scheme made in pursuance of this Act may be enforced by the Court on a motion made in a summary manner by any person interested, and any disobedience of the order of the Court made on such motion shall be deemed an offence under the Indian Penal Code, section 187. The approval of the Court shall be conclusive as to the validity of any such composition or scheme, and it shall be binding on all the creditors so far as relates to any debts due to them and provable under the insolvency.

Trustee may be paid for services.

30. A trustee may contract to be paid a certain sum by way of percentage or otherwise as a remuneration for his services as trustee, including (where the trustee is an attorney or vakíl) all professional services, and any such contract shall, notwithstanding any law to the contrary, be lawful.

No trustee shall, without the consent of the committee of inspection, employ an attorney, vakíl or other agent.

Trustees to pay monies into Bank.

31. The trustee shall, from all sums from time to time received by him under this Act, deduct three per centum, and pay such percentage into the General or District Treasury to the credit of the Government of India, and shall pay the residue into such Bank as the majority of the creditors in number and value at any general meeting appoint, and failing such appointment into the General or District Treasury. If the trustee at any time keep in his hands any such sum exceeding five hundred rupees for more than ten days he shall be subject to the following liabilities; that is to say,

(1.) He shall pay interest at the rate of twenty per centum per annum on the excess of such sum above five hundred rupees as he may retain in his hands:

(2.) Unless he can prove to the satisfaction of the Court that his reason for retaining the money was sufficient, he shall, on the application of any creditor, be dismissed from his office by the Court, and shall have no claim for remuneration, and be liable to any expenses to which the creditors may be put by or in consequence of his dismissal.

Any trustee failing to deduct and pay the said percentage as prescribed by this section shall be liable to fine of double the amount which should have been so deducted and paid.

All monies received by Government under this section shall be applied to defray the salaries of the Comptrollers in Insolvency, their clerks and servants, and the other expenses of working this Act.

Payment of Debts and Distribution of Assets.

Description of debts provable in insolvency.

32. Demands in the nature of unliquidated damages arising otherwise than by reason of a contract or promise shall not be provable in insolvency, and no person having notice of any act of insolvency available for adjudication

against the insolvent shall prove for any debt or liability contracted by the insolvent subsequently to the date of his so having notice.

Save as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the insolvent is subject at the date of the order of adjudication, or to which he may become subject during the continuance of the insolvency by reason of any obligation incurred previously to the date of the order of adjudication, shall be deemed to be debts provable in insolvency, and may be proved in the prescribed manner before the trustee in the insolvency.

An estimate shall be made according to the rules of the Court for the time being in force, so far as the same may be applicable, and, where they are not applicable, at the discretion of the trustee, of the value of any debt or liability provable as aforesaid, which by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value.

Any person aggrieved by any estimate made by the trustee as aforesaid may appeal to the Court, and the Court may, if it think the value of the debt or liability incapable of being fairly estimated, make an order to that effect, and upon such order being made such debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable in insolvency.

But if the Court think that the value of the debt or liability is capable of being fairly estimated, it may direct such value to be assessed before the Court, or either before the Court itself or some other competent Court, and may give all necessary directions for such purpose, and the amount of such value when assessed shall be provable as a debt under the insolvency.

"Liability" shall for the purposes of this Act include any compensation for work or labour done, any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement, or undertaking, whether such breach does or does not occur, or is or is not likely to occur or capable of occurring before the close of the insolvency; and generally it shall include any express or implied engagement, agreement, or undertaking, to pay, or capable of resulting in the payment of, money or money's worth, whether such payment be, as respects amount, fixed or unliquidated; as respects time, present or future, certain or dependent on any one contingency or on two or more contingencies; as to mode of valuation, capable of being ascertained by fixed rules, or assessable only as matter of opinion.

33. The debts hereinafter mentioned shall be paid in priority to all other debts.

Preferential debts.

Between themselves, such debts shall rank equally and shall be paid in full, unless the property of the insolvent is insufficient to meet them, in which case they shall abate in equal proportions between themselves; that is to say,

(1.) All local rates due from him at the date of the order of adjudication, and having become due and payable within twelve months next before such time; all assessed taxes, land-tax, and income-tax assessed on him up to the first day of April next before the date of the order of adjudication, and not exceeding in the whole one year's assessment;

(2.) All wages or salary of any clerk or servant in the employment of the insolvent at the date of the order of adjudication, not exceeding four months' wages or salary, and not exceeding five hundred rupees; all wages of any labourer or workman in the employment of the insolvent at the date of the order of adjudication, and not exceeding two months' wages:

Save as aforesaid, all debts provable under the insolvency shall be paid *pari passu*.

34. Where at the time of the presentation of the petition for adjudication any person is apprenticed or is an articled clerk to the insolvent, the order of adjudication shall, if either the insolvent or apprentice or clerk give notice in writing to the trustee to that effect, be a complete discharge of the indenture of apprenticeship or articles of agreement;

Preferential claim in case of apprenticeship.

and if any money has been paid by or on behalf of such apprentice or clerk to the insolvent as a fee, the trustee may, on the application of the apprentice or clerk, or of some person on his behalf, pay such sum as such trustee, subject to an appeal to the Court, thinks reasonable, out of the insolvent's property to or for the use of the apprentice or clerk, regard being had to the amount paid by him or on his behalf, and to the time during which he served with the insolvent under the indenture or articles before the commencement of the insolvency, and to the other circumstances of the case.

Where it appears expedient to a trustee he may, on the application of any apprentice or articled clerk to the insolvent, or any person acting on behalf of such apprentice or articled clerk, instead of acting under the preceding provisions of this section, transfer the indenture of apprenticeship or articles of agreement to some other person.

35. The landlord or other person to whom any rent is due from the insolvent may at any time, either before or after the commencement of the insolvency, distrain upon the goods or effects of the insolvent for the rent due to him from the insolvent.

Power for landlord to distrain for rent.

If such distress for rent be levied after the commencement of the insolvency, it shall be available only for one year's rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the insolvent may prove under the insolvency for the overplus due for which the distress may not have been available.

36. When any rent or other payment falls due at stated periods, and the order of adjudication is made at any time other than one of such periods, the person entitled to such rent or payment may prove for a proportionate part thereof up to the day of the adjudication as if such rent or payment grew due from day to day.

Proof in case of rent and periodical payment.

37. Interest on any debt provable in insolvency may be allowed by the trustee under the same circumstances in which interest would have been allowable if a suit had been brought for such debt.

Interest on debts.

38. If any insolvent is at the date of the order of adjudication liable in respect of distinct contracts as member of two or more distinct firms, or as a sole contractor, and also as member of a firm, the circumstance that such firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of such contracts, against the properties respectively liable upon such contracts.

Proof in respect of distinct contract.

39. The trustee, with the consent of the creditors, testified by a resolution passed in general meeting, may from time to time, during the continuance of the insolvency, make such allowance as may be approved by the creditors to the insolvent out of his property for the support of the insolvent and his family, or in consideration of his services if he is engaged in winding up his estate.

Allowance to insolvent for maintenance or service.

40. Where there have been mutual credits, mutual debts, or other mutual dealings between the insolvent and any other person proving or claiming to prove a debt under his insolvency, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party shall be set-off against any sum due from the other party, and the balance of such account, and no more, shall be claimed or paid on either side respectively.

Set-off.

But a person shall not be entitled under this section to claim the benefit of any set-off against the property of an insolvent in any case where he had at the time of giving credit to the insolvent notice of an act of insolvency committed by such insolvent and available against him for adjudication.

41. A creditor holding a specific security on the property of the insolvent or on any part thereof, may, on giving up his security, prove for his whole debt.

Provision as to secured creditor.

He shall also be entitled to a dividend in respect of the balance due to him after realizing or giving credit for the value of his security, in manner and at the time prescribed.

A creditor holding such security as aforesaid and not complying with the foregoing conditions shall be excluded from all share in any dividend.

Dividends.

42. The trustee shall from time to time, when the committee of inspection determines, declare a dividend amongst the creditors who have proved to his satisfaction debts provable in insolvency, and shall distribute the same accordingly.

Distribution of dividends.

In the event of his not declaring a dividend for the space of six months, he shall summon a meeting of the creditors, and explain to them his reasons for not declaring the same.

43. In the calculation and distribution of a dividend it shall be obligatory on the trustee to make provision for debts provable in insolvency appearing from the insolvent's statements, or otherwise, to be due to persons resident in places so distant from the place where the trustee is acting that in the ordinary course of communication they have not had sufficient time to tender their proofs, or to establish them if disputed, and also for debts provable in insolvency, the subject of claims not yet determined.

Provision for creditors residing at a distance, &c.

44. Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid out of any monies for the time being in the hand of the trustee any dividend or dividends he may have failed to receive before such monies are made applicable to the payment of any future dividend or dividends;

Right of creditor who has not proved debt before declaration of a dividend.

but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

45. When the trustee has converted into money all the property of the insolvent, or so much thereof as can, in the joint opinion of himself and of the committee of inspection, be realized without needlessly protracting the insolvency, he shall declare a final dividend, and give notice of the time at which it will be distributed.

Final dividend.

46. The insolvent shall be entitled to any surplus remaining after payment of his creditors, and of the costs, charges, and expenses of the insolvency.

Insolvent entitled to surplus.

47. No suit for a dividend shall lie against the trustee. But if the trustee refuses to pay any dividend, the Court may, if it thinks fit, order the trustee to pay the same, and also to pay out of his own monies interest thereon for the time that it is withheld, and the costs of the application.

No suit for dividend.

PART II.

TERMINATION OF INSOLVENCY.

48. When the whole property of the insolvent has been realized for the benefit of his creditors, or so much thereof as can, in the joint opinion of the trustee and committee of inspection, be realized without needlessly protracting the insolvency,

Close of insolvency.

or when a composition or arrangement has been completed,

the trustee shall make a report accordingly to the Court, and the Court, if satisfied that the whole of the property of the insolvent has been realized for the benefit of his creditors, or so much thereof as can be realized without needlessly protracting the insolvency, or that a composition or arrangement has been completed, shall make an order that the insolvency has closed, and the insolvency shall be deemed to have closed at and after the date of such order.

A copy of the order closing the insolvency may be published in the local official Gazette, and the production of a copy of such Gazette containing a copy of the order shall be conclusive evidence of the order having been made and of the date and contents thereof.

Discharge of Insolvent.

49. When an insolvency is closed, or at any time during its continuance, with the assent of the creditors testified by a special resolution, the insolvent may apply to the Court for an order of discharge.

Order of discharge.

Such discharge shall not be granted unless it is proved to the Court that one of the following conditions has been fulfilled, that is to say,

either that a dividend of not less than eight annas in the rupee has been paid out of his property, or might have been paid except through the negligence or fraud of the trustee,

or that a special resolution of the insolvent's creditors has been passed to the effect that his insolvency or the failure to pay eight annas in the rupee has, in their opinion, arisen from circumstances for which the insolvent cannot justly be held responsible, and that they desire that an order of discharge should be granted to him.

The Court may suspend for such time as it deems to be just, or withhold altogether, the order of discharge in the circumstances following; namely,

Power to suspend order of discharge.

if it appears to the Court on the representation of the creditors made by special resolution, of the truth of which representation the Court is satisfied, or by other sufficient evidence, that the insolvent has made default in giving up to his creditors the property which he is required by this Act to give up;

or that a prosecution has been commenced against him in pursuance of the provisions for the time being in force relating to the punishment of fraudulent debtors, in respect of any offence alleged to have been committed by him against such provisions.

50. An order of discharge shall not release the insolvent from any debt or liability incurred by means of any fraud or breach of trust, nor from any debt or liability whereof he has obtained forbearance by any fraud.

Effect of order of discharge.

But it shall release the insolvent from all other debts provable under the insolvency, with the exception of—

(1) debts due to the Secretary of State for India in Council:

(2) debts with which the insolvent stands charged at the suit of the said Secretary of State in Council or of any person for any offence against an Act relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail-bond entered into for the appearance of any person prosecuted for any such offence:

And he shall not be discharged from such excepted debts unless a Secretary to the Government of India certify in writing the consent of the Governor General of India in Council to the insolvent's being discharged therefrom.

An order of discharge shall be sufficient evidence of the insolvency, and of the validity of the proceedings thereon; and in any proceedings instituted against an insolvent who has obtained an order of discharge in respect of any debt from which he is released by such order, the insolvent may state that the cause of action occurred before his discharge, and may give this Act and the special matter in evidence.

51. The order of discharge shall not release any person who, at the date of the order of adjudication, was a partner with the insolvent, or was jointly bound or had made any joint contract with him.

Exception of joint debtors.

Release of Trustee.

52. When the insolvency is closed the trustee shall call a meeting of the creditors to consider an application to be made to the Court for his release.

Release of trustee.

At the meeting the trustee shall lay before the assembled creditors an account showing the manner in which the insolvency has been conducted, with a list of the unclaimed dividends, if any, and of the property, if any, outstanding, and shall inform the meeting that he proposes to apply to the Court for a release.

The creditors assembled at the meeting may express their opinion as to the conduct of the trustee, and they, or any of them, may appear before the Court and oppose the release of the trustee.

The Court, after hearing what, if anything, can be urged against the release of the trustee, shall grant or withhold the release accordingly, and if it withhold the release shall make such order as it thinks just, charging the trustee with the consequences of any act or default he may have done or made contrary to his duty, and shall suspend his release until such charging order has been complied with, and the Court thinks just to grant the release of the trustee.

53. Unclaimed dividends, and any other monies arising from the property of the insolvent, remaining under the control of the trustee at the close of the insolvency of any insolvent, or accruing thereafter, shall be accounted and paid over to such account as may be directed by the rules of Court to be made with the sanction of the Governor General in Council; and any parties entitled thereto may claim the same in manner directed by such rules.

Duty of trustee as to unclaimed dividends and outstanding property.

The trustee shall also deliver a list of any outstanding property of the insolvent to the prescribed persons, and the same shall, when practicable, be got in and applied for the benefit of the creditors in manner prescribed.

54. The order of the Court releasing the trustee of an insolvency shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the insolvent, or otherwise in relation to his conduct as trustee of such insolvent.

Effect of release of trustee.

Such order may be revoked by the Court on proof that it was obtained by fraud.

Status of undischarged Insolvent.

55. Where a person who has been made insolvent has not obtained his discharge, then, from and after the close of his insolvency, the following consequences shall ensue:—

Status of undischarged insolvent.

(1.) No portion of a debt provable under the insolvency shall be enforced against the property of the person so made insolvent until the expiration of three years from the close of the insolvency; and during that time, if he pay to his creditors such additional sum as will, with the dividend paid out of his property during the insolvency, make up eight annas in the rupee, he shall be entitled to an order of discharge in the same manner as if a dividend of eight annas in the rupee had originally been paid out of his property:

(2.) At the expiration of a period of three years from the close of the insolvency, if the debtor made insolvent has not obtained an order of discharge, any balance remaining unpaid in respect of any debt proved in such insolvency (but without interest in the meantime,) shall be deemed to be a subsisting debt in the nature of a judgment debt, and, subject to the rights of any persons who have become creditors of the debtor since the close of his insolvency, may be enforced against any property of the debtor, with the sanction of the Court which adjudicated such debtor an insolvent, or of the Court having jurisdiction in insolvency in the place where the property is situated, but to the extent only, and at the time and in manner, directed by such Court, and after giving such notice and doing such acts as may be prescribed in that behalf.

Audit.

56. The trustee, having had his quarterly statement of accounts audited by the committee of inspection, shall, within the prescribed time, forward the certified statement in the prescribed form to an officer to be called the comptroller in insolvency, and if he fail to do so he shall be deemed guilty of an offence under the Indian Penal Code, section 176, and be punishable accordingly.

Appointment of comptroller.

There shall be three such comptrollers, whose titles and jurisdictions shall be as follows:—

(1) the Comptroller in Insolvency of Bengal, whose jurisdiction shall extend to the territories for the time being respectively under the governments of the Lieutenant Governors of Bengal, the North-Western Provinces, and the administrations of the Chief Commissioners of Oudh, the Central Provinces and British Burma:

(2) the Comptroller in Insolvency of Madras, whose jurisdiction shall extend to the territories for the time being under the government of the Governor of Fort St. George in Council, to Coorg, and (so far as regards British subjects) to Mysore, and

(3) the Comptroller in Insolvency of Bombay, whose jurisdiction shall extend to the territories for the time being under the government of the Governor of Bombay in Council, and also (so far as regards British subjects) to the Hyderabad Assigned Districts.

The first Comptrollers in Insolvency under this Act shall be respectively the present Official Assignees of the Courts for the relief of insolvent debtors holden under the said statute of the eleventh and twelfth of Victoria, chapter twenty-one, in Calcutta, Madras and Bombay.

The subsequent comptrollers shall be appointed, and the first and any subsequent comptrollers may be removed, in the case of the Comptroller in Insolvency of Bengal, by the Governor General in Council, and in the cases of the other Comptrollers in Insolvency, by the Local Government, and shall be paid such salary as the Governor General of India in Council may direct.

Each comptroller shall be provided with such office, and with such clerks and servants, as may be directed by the Local Government with the approval of the Governor General in Council.

The clerks and servants in the office of the comptroller shall be appointed and dismissible by each comptroller, and there shall be allowed and paid to him such sum as the Governor General in Council may from time to time direct for the expenses of his office, and of such clerks and other persons as may be deemed necessary by the Governor General in Council.

57. Every trustee of an insolvent shall from time to time, as may be prescribed, and not less than once in every year during the insolvency, transmit to the comptroller within whose jurisdiction he is a statement showing the proceedings in such insolvency up to the date of the statement containing the prescribed particulars, and made out in the prescribed form;

Return of accounts to comptroller.

and any trustee failing to transmit accounts in compliance with this section shall be deemed guilty of an offence under the Indian Penal Code, section 176, and be punishable accordingly.

58. The comptroller shall examine the statements transmitted to him and shall call the trustee to account for any misfeasance, neglect, or omission which may appear on such statements, and may require the trustee to make good any loss the estate of the insolvent may have sustained by such misfeasance, neglect, or omission.

Duty of comptroller.

If the trustee fail to comply with such requisition of the comptroller, the comptroller may report the same to the Court; and the Court, after hearing the explanation, if any, of the trustee, shall make such order in the premises as it thinks just.

59. The comptroller may at any time require any trustee to answer any inquiry made by him in relation to any insolvency in which such trustee is engaged, and may, if he think fit, apply to the Court to examine on oath such trustee or any other person concerning such insolvency;

Powers of comptroller.

he may also direct a local investigation to be made of the books and vouchers of the trustees.

PART III.

CONSTITUTION AND POWERS OF COURT.

Description of Court.

60. From and after the commencement of this Act the following provisions shall take effect with respect to the Courts having jurisdiction in insolvency and their officers; that is to say,

Court to consist of High Court and District Courts.

If the person sought to be adjudged an insolvent reside or carry on business within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Fort William, Madras or Bombay, or within the limits of the towns of Allahabad or Lahore, then "the Court" shall mean, for the purposes of this Act, the High Court or the Chief Court of the Panjáb, as the case may be, and is hereinafter referred to as the Chief Insolvency Court:

If the person sought to be adjudged an insolvent do not reside or carry on business within such limits, then "the Court" shall, subject to the provisions hereinafter contained for removing the proceedings, mean the Court of the District Judge within whose jurisdiction such person resides or carries on business, and is hereinafter referred to as the Local Insolvency Court.

In the former part of this section "District Judge" means, in the Regulation Provinces, a Judge of a principal Civil Court of original jurisdiction,

in the Non-Regulation Provinces, other than British Burma and Sindh, a Commissioner of Division,

in Pegu, the Recorder at Rangoon,

in Arakan, the Recorder at Rangoon, until a Recorder's Court is established at Akyab, and thenceforward the Recorder at Akyab,

in the Tenasserim Provinces, the Recorder at Maulmain, and

in Sindh, the Judicial Commissioner in that Province.

Every Chief Insolvency Court shall be holden once a month at least throughout the year by any one Judge of the said High Courts and Chief Court, respectively.

61. Subject to the provisions in this Act with respect to the officers of the existing Courts for the Relief of Insolvent Debtors at Calcutta, Madras and Bombay, the registrars, clerks, and other subordinate officers of the Chief Insolvency Courts shall be appointed by the Chief Justice or Senior Judge for the time being, and may be removed by him and others appointed in their stead if he is of opinion that they are negligent, unskilful, or untrustworthy in the performance of their duties, or ought, in his opinion, to be removed for any other just cause.

Appointment of registrars and other officers.

62. Subject as aforesaid, there shall be paid to the registrars, clerks, and other subordinate officers such salaries as the Local Government with the sanction of the Governor General of India in Council may determine.

Salaries of officers.

63. Subject as aforesaid, the registrars, clerks, and other subordinate officers of the Chief Insolvency Court shall perform such duties as may from time to time be assigned to them by the Chief Justice.

Duties of subordinate officers of Court.

64. Every Judge holding a Chief Insolvency Court shall have all the powers, jurisdiction, and privileges possessed by any Judge of a High Court, and the orders of such Judge shall be of the same force as if they were decrees of such High Court.

Jurisdiction of Chief Insolvency Court Judges.

65. Every Judge of a Local Court of Insolvency shall, for the purposes of this Act, in addition to his ordinary powers as a District Court Judge, have all the powers and jurisdiction of a Judge of a High Court, and the orders of such Judge may be enforced accordingly in manner prescribed.

Jurisdiction of District Court Judges.

66. Every Judge of a Chief and of a Local Court of Insolvency may, subject and in accordance with the rules of Court for the time being in force, delegate to the registrar or to any other officer of his Court such of the powers vested in him by this Act as it may be expedient for the Judge to delegate to him.

Powers of Court to delegate authority to registrar.

67. The Chief Justice or (in the case of the Chief Court of the Panjáb) the Senior Judge, shall, with the sanction of the Governor General of India in Council, from time to time prescribe a scale of fees to be charged for any business done by any Court or officer thereof under this Act; and the Governor General in Council shall direct whether the same shall be imposed by stamps or otherwise, and by whom and in what manner the same shall be collected, accounted for, and appropriated, and whether any and what remuneration shall be allowed to any person performing any duties under this Act.

Scale of fees.

68. No registrar or officer of any Court having jurisdiction in insolvency shall, during his continuance in office, either directly or indirectly, by himself or partner, act as an attorney or vakíl in any proceeding in any insolvency in any Court of which he is registrar or officer, or in any appeal from such Court, or in any prosecution of an insolvent by order of such Court, under pain of dismissal by the Judge; and such dismissal shall be in writing, stating the reasons for the same; and a copy thereof shall be sent to the Chief Justice, who, if he see fit, may reinstate such registrar or officer.

Registrars and officers in insolvency not to act as attorneys or vakíls in Courts in which they hold office.

69. Every advocate, attorney, and vakíl of a High Court shall be, and may practise as such, in any Court of Insolvency, and if any person not being such advocate, attorney, or vakíl practises in the Court of Insolvency as advocate, attorney, or vakíl, he shall be deemed guilty of a contempt of the Court.

Advocates, &c., of High Court may practise in Insolvency Court.

70. Every Court having jurisdiction in insolvency under this Act may review, rescind, or vary any order made by it in pursuance of this Act.

Appeal from Courts.

Any person aggrieved by any order of a Local Insolvency Court in respect of a matter of fact or of law made in pursuance of this Act, may appeal to the Chief Insolvency Court, and it shall be lawful for such Court to alter, reverse, or confirm such order as it thinks just.

All orders made by the Chief Insolvency Court in respect of matters brought before it on appeal shall be final, unless such Court gives leave to appeal to the Judicial Committee of the Privy Council.

For the purpose of this section 'Chief Insolvency Court' shall, in British Burma, mean the Chief Insolvency Court held at Fort William,

and in any other Non-Regulation province (except the Panjáb) the Chief Insolvency Court held where the High Court is established to whose original criminal jurisdiction the insolvent is for the time being subject, or would be subject if he were an European British subject of Her Majesty.

71. Subject to the provisions of this Act, every Court having jurisdiction in insolvency under this Act shall have full power to decide all questions of priorities, and all other questions whatsoever, whether of law or fact, arising in any case of insolvency coming within the cognizance of such Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case;

General power of Insolvency Courts.

and no such Court as aforesaid shall be subject to be restrained in the execution of its powers under this Act by the order of any other Court, nor shall any appeal lie from its decisions, except in manner directed by this Act.

Orders and Warrants of Court.

72. Any order made by a Court having jurisdiction in insolvency in any part of British India under this Act, shall be enforced in any other part of British India in the Courts having jurisdiction in insolvency in such parts, in the same manner in all respects as if such order had been made by the Courts which are hereby required to enforce the same.

Enforcement of warrant and orders of Courts.

73. The Chief Insolvency Court and the Local Insolvency Courts, and the officers of such Courts respectively, shall severally act in aid of and be auxiliary to each other in all matters of insolvency, and an order of the Court seeking aid, together with a request to another of the said Courts, shall be deemed sufficient to enable the latter Court to exercise, in regard to the matters directed by such order, the like jurisdiction which the Court which made the request, as well as the Court to which the request is made, could exercise in regard to similar matters within their respective jurisdictions.

Insolvency Courts to be auxiliary to each other.

74. Any Court having jurisdiction in insolvency in any part of British India under this Act may, if it thinks fit, order that a person named in the order being in any other part of British India shall be examined there.

Examination of persons out of jurisdiction.

75. Any warrant of a Court having jurisdiction in insolvency in any part of British India under this Act may be enforced in any other part of British India, in the same manner in which a warrant issued under the Code of Criminal Procedure may be executed; and any search-warrant issued by a Court having jurisdiction in insolvency under this Act for the discovery of any property of an insolvent may be executed in manner prescribed, or in the same manner and subject to the same privileges in and subject to which a search-warrant for property supposed to be stolen may be executed according to law.

Warrants of Insolvency Courts.

76. Where any Court having jurisdiction in insolvency under this Act commits any person to prison, the commitment may be to such convenient prison as the Court thinks expedient, and if the gaoler of any prison refuses to receive any prisoner so committed he shall be liable for every such refusal to a penalty not exceeding one thousand rupees.

Commitment to prison.

General Rules.

77. The Chief Justice or (in the case of the Chief Court of the Panjáb) the Senior Judge may from time to time make, and may from time to time revoke and alter, general rules, in this Act described as rules of Court, for the effectual execution of this Act and of the objects thereof, and the regulation of the practice and procedure of insolvency petitions and the proceedings thereon.

General rules to be made by Chief Justice or Senior Judge.

Any general rules made as aforesaid may prescribe regulations as to the following matters:—

the service of insolvency petitions, including provisions for substituted service;

the valuing of any debts provable in an insolvency;

the valuation of securities held by creditors;

the giving or withholding interest or discount on or in respect of debts or dividends;

the funds out of which costs are to be paid, the order of payment, and the amount and taxation thereof;

and as to any other matter or thing, whether similar or not to those above enumerated, in respect to which it may be expedient to make rules for carrying into effect the objects of this Act.

All rules so made shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if they were enacted in the body of this Act.

All rules made in pursuance of this section shall be laid before the Governor General in Council within three weeks after they are made, and all rules so made shall be judicially noticed.

Until rules have been made in pursuance of this Act, and so far as such rules do not extend, the principles, practice, and rules on which Courts having jurisdiction in insolvency have heretofore acted in dealing with insolvency proceedings shall be observed by any Court having jurisdiction in insolvency cases under this Act.

PART IV.

SUPPLEMENTAL PROVISIONS.

As to Proceedings.

78. The following regulations shall be made with respect to proceedings in insolvency; namely,

Supplemental regulations as to proceedings in insolvency.

(1.) Every insolvency petition shall be accompanied by an affidavit of the petitioner in the prescribed form, verifying the statements contained in such petition:

(2.) Where two or more insolvency petitions are presented against the same debtor or against debtors being members of the same partnership, the Court may consolidate the proceedings, or any of them, upon such terms as the Court thinks fit:

(3.) Where proceedings against the debtor are instituted in more Courts than one, the Chief Insolvency Court may, on the application of any creditor, direct the transfer of such proceedings to such Court or to any Local Insolvency Court:

(4.) Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Act in the case of a petitioning creditor:

(5.) Where the creditors resolve by a special resolution that it will be more convenient that the proceedings in any Local Insolvency Court should be transferred to the Chief Insolvency Court or to some other local Court, or where the judge of a local Court certifies that in his opinion the insolvency would be more advantageously conducted in the Chief Insolvency Court or in some other local Court, and the creditors do not by resolution object to the transfer, the petition shall be transferred to and all subsequent proceedings thereon had in the Chief Insolvency Court or such other local Court:

(6.) Subject to the provisions of this Act, every Court having original jurisdiction in insolvency shall be deemed to be the same Court, and to have jurisdiction throughout British India; and cases may be transferred from one Court to another in such manner as may be prescribed:

(7.) A corporation may prove a debt, vote, and otherwise act in insolvency, by an agent duly authorized under the seal of the corporation:

(8.) A creditor may, in the prescribed manner, by instrument in writing, appoint a person to represent him in all matters relating to any debtor or his affairs in which a creditor is concerned in pursuance of this Act, and such representative shall thereupon, for all the purposes of this Act, stand in the same position as the creditor who appointed him:

(9.) When a debtor who has been adjudicated an insolvent dies, the Court may order that the proceedings in the matter be continued as if he were alive:

(10.) The Court may, at any time, on proof to its satisfaction that proceedings in insolvency ought to be stayed, by reason that negotiations are pending for the liquidation of the affairs of the insolvent by arrangement, or for the acceptance of a composition by the creditors in pursuance of the provisions hereinafter contained, or on proof to its satisfaction of any other sufficient reason for staying the same, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as the Court thinks just.

79. Whenever any adjudication in insolvency is annulled, all sales and dispositions of property and payments duly made, and all acts theretofore done, by the trustee or any person acting under his authority, or by the Court, shall be valid; but the property of the debtor who was adjudged an insolvent shall in such case vest in such person as the Court may appoint, or, in default of any such appointment, revert to the insolvent for all his estate or interest therein, upon such terms and subject to such conditions, if any, as the Court declares by order.

Consequences of annulling of adjudication.

A copy of the order of the Court annulling the adjudication of a debtor as an insolvent shall be forthwith published in the local official Gazette and advertised locally in the prescribed manner, and the production of a copy of the Gazette containing such order shall be conclusive evidence of the fact of the adjudication having been annulled, and of the terms of the order annulling the same.

80. No proceeding in insolvency shall be invalidated by any formal defect or by any irregularity, unless the Court before which an objection is made to such proceeding is of opinion that substantial injustice has been caused by such defect or irregularity, and that such injustice cannot be remedied by any order of such Court.

Formal defects not to invalidate proceedings.

As to Trustees and Committee of Inspection.

81. The following regulations shall be made with respect to the trustee and committee of inspection:

Regulations as to trustees, &c.

(1.) The creditors may, if they think fit, appoint more persons than one to the office of trustee, and where more than one are appointed they shall declare whether any act required or authorized to be done by the trustee is to be done by all or any one or more of such persons; but all such persons are in this Act included under the term "trustee," and shall be joint tenants of the property of the insolvent. The creditors may also appoint persons to act as trustees in succession, in the event of one or more of the persons first named declining to accept the office of trustee:

(2.) If any vacancy occur in the office of trustee by death, resignation, or otherwise, the creditors in general meeting shall fill up such vacancy, and a general meeting for the purpose of filling up such vacancy may be convened by the continuing trustee, if there be more than one, or by the registrar on the requisition of any creditor:

(3.) If, through any cause whatever, there is no trustee acting during the continuance of an insolvency, the registrar of the Court for the time being having jurisdiction in the insolvency shall act as such trustee:

(4.) The Court may, upon cause shown, remove any trustee. The creditors may by special resolution at a meeting specially called for that purpose, of which seven days' notice has been given, remove the trustee and appoint another person to fill his office, and the Court shall give a certificate declaring him to be the trustee:

(5.) If a trustee be adjudged insolvent, he shall cease to be trustee, and the registrar shall, if there be no other trustee, call a meeting of creditors for the appointment of another trustee in his place:

(6.) The property of the insolvent shall pass from trustee to trustee, including under that term the registrar when he fills the office of trustee, and shall vest in the trustee for the time being during his continuance in office, without any conveyance, assignment, or transfer whatever:

(7.) The trustee of an insolvent may sue and be sued by the official name of "the trustee of the property of an insolvent," inserting the name of the insolvent, and by that name may hold property of every description, make contracts, sue and be sued, enter into any engagements binding upon himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office:

(8.) The certificate of appointment of a trustee shall, for the purposes of the Indian Registration Act, be deemed to be a conveyance or assignment of property, and may be registered accordingly:

(9.) All acts and things by this Act authorized or required to be done by or to the registrar may be done within the district of each Court having jurisdiction in insolvency by or to the registrar of that Court:

(10.) Any member of the committee of inspection may resign his office by notice in writing signed by him and delivered to the trustee:

(11.) The creditors may by resolution fix the quorum required to be present at a meeting of the committee of inspection:

(12.) Any member of the committee of inspection may also be removed by a special resolution at any meeting of creditors of which the prescribed notice has been given, stating the object of the meeting:

(13.) On any vacancy occurring in the office of a member of the committee of inspection by removal, death, resignation, or otherwise, the trustee shall convene a meeting of creditors for the purpose of filling up such vacancy:

(14.) The continuing members of the committee of inspection may act, notwithstanding any vacancy in their body; and where the number of members of the committee of inspection is for the time being less than five, the creditors may increase that number so that it does not exceed five:

(15.) No defect or irregularity in the election of a trustee or of a member of the committee of inspection shall vitiate any act *bonâ fide* done by him; and no act or proceeding of the trustee or of the creditors shall be invalid by reason of any failure of the creditors to elect all or any members of the committee of inspection:

(16.) If a member of the committee of inspection become an insolvent his office shall thereupon become vacant:

(17.) Where there is no committee of inspection, any act or thing or any direction or consent by this Act authorized or required to be done or given by such committee may be done or given by the Court on the application of the trustee.

82. The registrar may adjourn the first meeting of creditors from time to time and from place to place, subject to the directions of the Court; but if, at such first meeting of creditors or at some adjournment thereof, no trustee is appointed by reason of the prescribed quorum not being present, or for any other reason whatever, the Court may annul the adjudication, unless it deems it expedient to carry on the insolvency with the aid of the registrar as trustee.

Power of Court, on failure of creditors, to appoint trustee.

Moreover, if at any time during the insolvency no new trustee is appointed to fill a vacancy in that office, the Court may either carry on the insolvency with the aid of the registrar as trustee or annul the order of adjudication as it thinks just.

As to Power over Insolvent.

83. The Court, upon the application of the trustee, may from time to time order that, for such time as the Court thinks fit, not exceeding three months from the date of the order of adjudication, post letters addressed to the insolvent at any place or any of the places mentioned in the order, shall be re-directed, sent, or delivered by the Director General of the Post Office or the officers acting under him to the trustee or otherwise as the Court directs, and the same shall be done accordingly.

Post letters addressed to insolvent.

84. The Court may, by warrant addressed to any constable or prescribed officer of the Court, cause a debtor to be arrested, and any books, papers, monies, goods, and moveable property in his possession to be seized, and him and them to be safely kept as prescribed until such time as the Court orders, under the following circumstances:—

Arrest of insolvent under certain circumstances.

(1.) If, after a petition of insolvency is presented against such debtor, it appear to the Court that there is probable reason for believing that he is about to go abroad or to quit his place of residence with a view of avoiding service of the petition, or of avoiding appearing to the petition, or of avoiding examination in respect of his affairs, or otherwise delaying or embarrassing the proceedings in insolvency:

(2.) If, after a petition in insolvency has been presented against such debtor, it appear to the Court that there is probable

cause for believing that he is about to remove his goods or chattels with a view of preventing or delaying such goods or chattels being taken possession of by the trustee, or that there is probable ground for believing that he has concealed or is about to conceal or destroy any of his goods or chattels, or any books, documents, or writings which might be of use to his creditors in the course of his insolvency:

(3.) If, after the service of the petition on such debtor, or after an adjudication in insolvency against him, he removes any goods or chattels in his possession above the value of fifty rupees, without the leave of the trustee, or if, without good cause shown, he fails to attend any examination ordered by the Court.

As to Property devolving on Trustee.

Proceeds of sale and seizure of goods.

85. Where the goods of any trader have been taken in execution in respect of a decree for a sum exceeding five hundred rupees and sold, the sheriff, in the case of a sale under the direction of the High Court at Fort William, Madras, or Bombay, and in the case of a sale under the direction of any other Court, the proper officer of such Court, shall retain the proceeds of such sale in his hands for a period of fourteen days, and upon notice being served on him within that period of an insolvency petition having been presented against such trader, shall hold the proceeds of such sale, after deducting expenses, on trust to pay the same to the trustee.

But if no notice of such petition having been presented be served on him within such period of fourteen days, or if, such notice having been served, the trader against whom the petition has been presented is not adjudged an insolvent on such petition, or on any other petition of which the sheriff or other officer has notice, he may deal with the proceeds of such sale in the same manner as he would have done had no notice of the presentation of an insolvency petition been served on him.

Appropriation of portion of pay of officers to creditors.

86. Where an insolvent is or has been an officer of the army or navy, or an officer or clerk or otherwise employed or engaged in the civil service of the Crown, or is in the enjoyment of any pension or compensation granted by Government, the trustee during the insolvency, and the registrar after the close of the insolvency, shall receive for distribution amongst the creditors so much of the insolvent's pay, half pay, salary, emolument, or pension as the Court, upon the application of the trustee, thinks just and reasonable, to be paid in such manner and at such times as the Court, with the consent in writing of the chief officer of the Department under which the pay, half pay, salary, emolument, pension, or compensation is enjoyed, directs.

Appropriation of portion of salary to creditors.

87. Where an insolvent is in the receipt of a salary or income other than as aforesaid, the Court upon the application of the trustee shall from time to time make such order as it thinks just for the payment of such salary or income, or of any part thereof, to the trustee during the insolvency, and to the registrar if necessary after the close of the insolvency, to be applied by him in such manner as the Court directs.

Avoidance of voluntary settlements.

88. Any settlement of property not being a settlement made before and in consideration of marriage, or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife, shall, if the settlor becomes insolvent within two years after the date of such settlement, be void as against the trustee of the insolvent appointed under this Act,

and shall, if the settlor becomes insolvent at any subsequent time within ten years after the date of such settlement, unless the parties claiming under such settlement can prove that the settlor was at the time of making the settlement able to pay all his debts without the aid of the property comprised in such settlement, be void against such trustee.

Any covenant or contract made by any person, in consideration of marriage, for the future settlement upon or for his wife or children of any money or property wherein he had not at the date of his marriage any estate or interest, whether vested or contingent in possession or remainder, and not being money or property of or in right of his wife, shall, upon his becoming insolvent before such property or money has been actually transferred or paid pursuant to such contract or covenant, be void against his trustee appointed under this Act.

"Settlement" shall for the purposes of this section include any conveyance or transfer of property.

Avoidance of fraudulent preferences.

89. Every conveyance or transfer of property, or charge thereon made, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own monies in favour of any creditor, or any person in trust for any creditor, with a view of giving such creditor a preference over the other creditors, shall, if the person making, taking, paying, or suffering the same become insolvent within three months after the date of making, taking, paying, or suffering the same, be deemed fraudulent and void as against the trustee of the insolvent appointed under this Act;

but this section shall not affect the rights of a purchaser, payee, or incumbrancer in good faith and for valuable consideration.

Payment of money by agents to trustee.

90. Every treasurer or other officer, or any banker, attorney, or agent of an insolvent, shall pay and deliver to the trustee all monies and securities in his possession or power, as such officer or agent, if he be not by law entitled to retain as against the insolvent or the trustee; if he do not, he shall be guilty of an offence under the Indian Penal Code, section 187, and may be punished accordingly on the application of the trustee.

Protection of certain transactions with insolvent.

91. Nothing in this Act contained shall render invalid—

(1.) Any payment made in good faith and for value received to any insolvent before the date of the order of adjudication by a person not having at the time of such payment notice of any act of insolvency committed by the insolvent, and available against him for adjudication:

(2.) Any payment or delivery of money or goods belonging to an insolvent, made to such insolvent by a depositary of such money or goods before the date of the order of adjudication, who had not at the time of such payment or delivery notice of any act of insolvency committed by the insolvent, and available against him for adjudication:

(3.) Any contract or dealing with any insolvent made in good faith and for valuable consideration, before the date of the order of adjudication, by a person not having at the time of making such contract or dealing notice of any act of insolvency committed by the insolvent, and available against him for adjudication.

Protection of certain transactions entered into by or in relation to the property of the insolvent.

92. Subject and without prejudice to the provisions of this Act relating to the proceeds of the sale and seizure of goods, and to the provisions of this Act avoiding certain settlements, and avoiding, on the ground of their constituting fraudulent preferences, certain conveyances, charges, payments, and judicial proceedings, the following transactions by and in relation to the property of an insolvent shall be valid, notwithstanding any prior act of insolvency,—

(1.) Any disposition or contract with respect to the disposition of property by conveyance, transfer, charge, delivery of goods, payment of money, or otherwise, howsoever made by any insolvent in good faith and for valuable consideration, before the date of the order of adjudication, with any person not having at the time of the making of such disposition of property notice of any act of insolvency committed by the insolvent, and available against him for adjudication:

(2.) Any execution or attachment against the land of the insolvent, executed in good faith by seizure before the date of the order of adjudication, if the person on whose account such execution or attachment was issued had not at the time of the same being so executed by seizure notice of any act of insolvency committed by the insolvent, and available against him for adjudication:

(3.) Any execution or attachment against the goods of any insolvent, executed in good faith by seizure and sale before the date of the order of adjudication, if the person on whose account such execution or attachment was issued had not at the time of the same being executed by seizure and sale notice of any act of insolvency committed by the insolvent, and available against him for adjudication.

As to Discovery of Insolvent's Property.

Power of Court to summon persons before it suspected of having property of insolvent.

93. The Court may, on the application of the trustee, at any time after an order of adjudication has been made against an insolvent, summon before it the insolvent or his wife,

or any person whatever known or suspected to have in his possession any of the estate or effects belonging to the insolvent, or supposed to be indebted to the insolvent,

or any person whom the Court deems capable of giving information respecting the insolvent, his trade, dealings or property,

and the Court may require any such person to produce any documents in his custody or power relating to the insolvent, his dealings or property.

If any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed, or refuses to produce such documents, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant addressed as aforesaid, cause such person to be apprehended and brought up for examination.

Examination of parties by Court.

94. The Court may examine upon oath, either by word of mouth or by written interrogatories, any person so brought before it in manner aforesaid concerning the insolvent, his dealings or property.

Order of Court for payment of amount admitted on examination.

95. If any person on examination before the Court admit that he is indebted to the insolvent, the Court may, on the application of the trustee, order him to pay to the trustee, at such time and in such manner as to the Court seems expedient, the amount admitted, or any part thereof, either in full discharge of the whole amount in question or not, as the Court thinks fit, with or without costs of the examination.

Seizure of property of insolvent.

96. Any person acting under warrant of the Court may seize any property of the insolvent divisible amongst his creditors under this Act, and in the insolvent's custody or possession, or in that of any other person;

and with a view to such seizure may break open any house, building, or room of the insolvent where the insolvent is supposed to be, or any building or receptacle of the insolvent where any of his property is supposed to be.

Where the Court is satisfied that there is reason to believe that property of the insolvent is concealed in a house or place not belonging to him, the Court may, if it thinks fit, grant a search-warrant to any constable or prescribed officer of the Court, who may execute the same according to the tenor thereof.

Joint and separate Estates.

Power to present petition against one partner.

97. Any creditor whose debt is sufficient to entitle him to present an insolvency petition against all the partners of a firm may present such petition against any one or more partners of such firm without including the others.

Power to dismiss petition against some respondents only.

98. Where there are more respondents than one to a petition, the Court may dismiss the petition as to one or more of them, without prejudice to the effect of the petition as against the other or others of them.

Property of partners to be vested in same trustee.

99. Where one member of a partnership has been adjudicated an insolvent, any other petition for adjudication against a mem-

ber of the same partnership shall be filed in or transferred to the Court in which the first-mentioned petition is in course of prosecution,

and, unless the Court otherwise directs, the property of such last-mentioned member shall vest in the trustee appointed in respect of the property of the first-mentioned member of the partnership,

and the Court may give such directions for amalgamating the proceedings in respect of the properties of the members of the same partnership as it thinks just.

Joint creditor may prove for purpose of voting.

100. If one partner of a firm is adjudged insolvent, any creditor to whom the insolvent is indebted jointly with the other partners of the firm or any of them, may prove his debt for the purpose of voting at any meeting of creditors, and shall be entitled to vote thereat, but shall not receive any dividend out of the separate property of the insolvent until all the separate creditors have received the full amount of their respective debts.

Joint and separate dividends.

101. Where joint and separate properties are being administered, dividends of the joint and separate properties shall, subject to any order to the contrary that may be made by the Court on the application of any person interested, be declared together.

The expenses of and incident to such dividends shall be fairly apportioned by the trustee between the joint and separate properties, regard being had to the work done for and the benefit received by each property.

Suits by trustee and insolvent's partners.

102. Where a member of a partnership is adjudged insolvent, the Court may authorize the trustee, with consent of the creditors, certified by a special resolution, to commence and prosecute any suit in the names of the trustee and of the insolvent partner; and any release by such partner of the debt or demand to which the action or suit relates shall be void.

But notice of the application for authority to commence the suit shall be given to such partner, and he may show cause against it, and on his application, the Court may, if it thinks fit, direct that he shall receive his proper share of the proceeds of the suit, and if he do engage in and benefit therefrom, he shall, or is in the event pro- costs in respect of compensation does not claim any trustee [illegible] shall be indemnified against [illegible]strar after the [illegible] thereof as the Court directs.

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Evidence.

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Evidence of proceedings at meeting of creditors.

103. The registrar, or any other person presiding at a meeting of creditors under this Act, shall cause minutes to be kept and duly entered in a book of all resolutions and proceedings of such meeting.

Any such minute as aforesaid, if purporting to be signed by the chairman of the meeting at which such resolutions were passed or proceedings had, shall be received as evidence in all legal proceedings;

and, until the contrary is proved, every general meeting of the creditors in respect of the proceedings of which minutes have been so made shall be deemed to have been duly held and convened, and all resolutions passed thereat or proceedings had to have been duly passed and had.

Evidence of proceedings in insolvency.

104. Any petition
copy of a petition in insc
vency,

any order or copy of an order made by Court having jurisdiction in insolvency,

any certificate or copy of a certificate mad any Court having jurisdiction in insolvenc

any deed or copy of a deed of arrangemen insolvency,

and any other instrument or copy of an in ment, affidavit, or document made or used ir course of any insolvency proceedings, or o proceedings had under this Act,

may, if any such instrument as aforesaid or of an instrument appears to be sealed with the of any Court having jurisdiction, or purports to signed by any Judge having jurisdiction in ins vency under this Act, be receivable in evidence in all legal proceedings whatever.

Death of witness.

105. In case of the death of the insolvent or his wife, or of a witness whose evidence has been received by any Court in any proceeding under this Act, the deposition of the person so deceased, purporting to be sealed with the seal of the Court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to.

Insolvency Courts to have seals.

106. Every Court having jurisdiction in insolvency under this Act shall have a seal describing such Court in such manner as may be directed by order of the Chief Justice, and judicial notice shall be taken of such seal, and of the signature of the Judge or registrar of any such Court, in all legal proceedings.

Miscellaneous.

Expenses of registrar attending meetings, &c.

107. Where a registrar under the authority of this Act attends at any place for the purpose of presiding at a meeting of creditor of receiving proofs, or of otherwise act ers, or this Act, his tr elling and incide ng under incurred in so do g, and those akin tal expenses officer attending m, shall insol of any clerk or the Court, be paid ute of, after being settled by if sufficient, e same of the insolvent's property, void as against th and otherwise shall be deemed part of appointed und the expenses of the Court.

Power of assignee to sue.

108. Any person to whom anything in action belonging to the insolvent is assigned in pursuance of this Act may bring or defend any suit relating to such thing in action in his own name.

Saving as to joint contracts.

109. Where an insolvent is a contractor in respect of any contract jointly with any other person or persons, such person or persons may sue or be sued in respect of such contract without the joinder of the insolvent.

Exemption of deeds, &c., from stamp-duty.

110. Every deed, conveyance, assignment or other assurance relating solely to immoveable property, or to any mortgage, charge, or other incumbrance on, or any estate, right, or interest in, any moveable or immoveable property which is part of the estate of any insolvent, and which after the execution of such deed, conveyance, assignment or other assurance, is or remains the estate of the insolvent or of the trustee under the insolvency, and every power-of-attorney, proxy-paper, order, certificate, affidavit, bond or other instrument or writing relating solely to the property of any insolvent or to any proceeding under any insolvency, shall be exempt from stamp-duty (except in respect of fees under this Act).

Computation of time.

111. Where by this Act any limited time from or after any date or event is appointed or allowed for the g of any act or the taking of any proceeding, [illegible], in the computation of such limited time, the same shall be taken as exclusive of the day of such date or of the happening of such event, and as commencing at the beginning of the next following day; and the act or proceeding shall be done or taken at latest on the last day of such limited time according to such computation, unless such last day is a Sunday, Christmas Day, Good Friday, or a day on which, in pursuance of a notification by the Chief Justice under this Act, the Court does not sit, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified.

Where by this Act any act or proceeding is directed to be done or taken on a certain day, then, if that day happens to be one of the days in this section specified, such act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified.

Returns by insolvency officer.

112. The registrars and other officers of the Courts acting in insolvency shall make to the Local Government such returns of the business of their respective Courts and offices, at such times and in such manner and form as may be prescribed by the rules of Court, and from such returns such officer as the Local Government shall from time to time appoint shall, in manner prescribed by the rules of Court, frame books (which shall be, under the regulations of the rules of Court, open for public information and searches), and also a general annual report to the Government of India, judicial and financial, respecting all matters within this Act.

Forfeiture of dividends after five years' non-claim.

113. Where any dividends remain unclaimed for five years, then and in every such case the same shall be deemed vested in the Secretary of State for India in Council, and shall be disposed of as the Governor General of India in Council directs.

Removal of insolvent from trusteeship.

114. Where an insolvent is a trustee within the Indian Trustee Act, 1866, section thirty-five of that Act shall have effect so as to authorize the Court to appoint a new trustee in substitution for the insolvent (whether voluntarily resigning or not), if it appears to the Court expedient to do so, and all provisions of that Act, and of any other Act relative thereto, shall have effect accordingly.

PART V.

LIQUIDATION BY ARRANGEMENT.

Regulations.

Regulations as to liquidation by arrangement.

115. The following regulations are prescribed with respect to the liquidation by arrangement of the affairs of the debtor:

(1.) A debtor unable to pay his debts may summon a general meeting of his creditors, and such meeting may, by a special resolution as defined by this Act, declare that the affairs of the debtor are to be liquidated by arrangement and not in insolvency, and may at that or some subsequent meeting, held at an interval of not more than a week, appoint a trustee, with or without a committee of inspection.

(2.) All the provisions of this Act relating to a first meeting of creditors, and to subsequent meetings of creditors in the case of an insolvency, including the description of creditors entitled to vote at such meetings, and the debts in respect of which they are entitled to vote, shall apply respectively to the first meeting of creditors, and to subsequent meetings of creditors, for the purposes of this section, subject to the following modifications:

(*a.*) Every such meeting shall be presided over by such chairman as the meeting may elect; and

(*b.*) No creditor shall be entitled to vote until he has proved by oath a debt provable in insolvency to be due to him, and the amount of such debt, with any prescribed particulars; and any person wilfully making a false oath in relation to such debt shall be deemed guilty of the offence of giving false evidence in a judicial proceeding:

(3.) The debtor, unless prevented by sickness or other cause satisfactory to such meeting, shall be present at the meeting at which the special resolution is passed, and shall answer any inquiries made of him, and he, or, if he is so prevented from being at such meeting, some one on his behalf, shall produce to the meeting a statement showing the whole of his assets and debts, and the names and addresses of the creditors to whom his debts are due:

(4.) The special resolution, together with the statement of the assets and debts of the debtor, and the name of the trustee appointed, and of the members, if any, of the committee of inspection, shall be presented to the registrar, and it shall be his duty to inquire whether such resolution has been passed in manner directed by this section; but if satisfied that it was so passed, and that a trustee has been appointed with or without a committee of inspection, he shall forthwith register the resolution and the statement of the assets and debts of the debtor, and such resolution and statement shall be open for inspection on the

prescribed conditions, and the liquidation by arrangement shall be deemed to have commenced as from the date of the appointment of the trustee:

(5.) All such property of the debtor as would, if he were made insolvent, be divisible amongst his creditors shall, from and after the date of the appointment of a trustee, vest in such trustee under a liquidation by arrangement, and be divisible amongst the creditors, and all such settlements, conveyances, transfers, charges, payments, obligations, and proceedings as would be void against the trustee in the case of an insolvency shall be void against the trustee in the case of liquidation by arrangement.

(6.) The certificate of the registrar in respect of the appointment of any trustee in the case of a liquidation by arrangement shall be of the same effect as a certificate of the Court to the like effect in the case of an insolvency:

(7.) The trustee under a liquidation shall have the same powers, and perform the same duties, as a trustee under an insolvency, and the property of the debtor shall be distributed in the same manner as in an insolvency;

and with the modification hereinafter mentioned all the provisions of this Act shall, so far as the same are applicable, apply to the case of a liquidation by arrangement in the same manner as if the word "insolvent" included a debtor whose affairs are under liquidation, and the word "insolvency" included liquidation by arrangement;

and in construing such provisions, the appointment of a trustee under a liquidation shall, according to circumstances, be deemed to be equivalent to and a substitute for the presentation of a petition in insolvency, or the service of such petition or an order of adjudication in insolvency:

(8.) The creditors at their first or any general meeting may prescribe the Bank into which the trustee is to pay any monies received by him, and the sum which he may retain in his hands:

(9.) The provisions of this Act with respect to the close of the insolvency, discharge of an insolvent, to the release of the trustee, and to the audit of accounts by the comptroller shall not apply in the case of a debtor whose affairs are under liquidation by arrangement.

But the close of the liquidation may be fixed, and the discharge of the debtor and the release of the trustee may be granted, by a special resolution of the creditors in general meeting, and the accounts may be audited in pursuance of such resolution, at such time and in such manner and upon such terms and conditions as the creditors think fit:

(10.) The trustee shall report to the registrar the discharge of the debtor, and a certificate of such discharge given by the registrar shall have the same effect as an order of discharge given to an insolvent under this Act:

(11.) Rules of Court may be made in relation to proceedings on the occasion of liquidation by arrangement in the same manner and to the same extent and of the same authority as in respect of proceedings in insolvency:

(12.) If it appear to the Court on satisfactory evidence that the liquidation by arrangement cannot, in consequence of legal difficulties, or of there being no trustee for the time being, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, the Court may adjudge the debtor an insolvent, and proceedings may be had accordingly:

(13.) Where no committee of inspection is appointed, the trustee may act on his own discretion in cases where he would otherwise have been bound to refer to such committee:

(14.) In calculating a majority on a special resolution for the purposes of this section, creditors whose debts amount to sums not exceeding one hundred rupees shall be reckoned in the majority in value, but not in the majority in number.

PART VI.

COMPOSITION WITH CREDITORS.

Regulations.

116. The creditors of a debtor unable to pay his debts may, without any proceedings in insolvency, by an extraordinary resolution, resolve that a composition shall be accepted in satisfaction of the debts due to them from the debtor.

Regulations as to composition by creditors.

117. An extraordinary resolution of creditors shall be a resolution which has been passed by a majority in number and three-fourths in value of the creditors of the debtor, assembled at a general meeting to be held in the manner prescribed, of which notice has been given in the prescribed manner, and has been confirmed by a majority in number and value of the creditors assembled at a subsequent general meeting, of which notice has been given in the prescribed manner, and held at an interval of not less than seven days nor more than fourteen days from the date of the meeting at which such resolution was first passed.

Extraordinary resolution defined.

118. In calculating a majority for the purposes of a composition under this Part, creditors whose debts amount to sums not exceeding one hundred rupees shall be reckoned in the majority in value, but not in the majority in number, and the value of the debts of secured creditors shall, as nearly as circumstances admit, be estimated in the same way, and the same description of creditors shall be entitled to vote at such general meetings as in insolvency.

Majority how calculated.

119. The debtor, unless prevented by sickness or other cause satisfactory to such meetings, shall be present at both the meetings at which the extraordinary resolution is passed, and shall answer any inquiries made of him, and he, or, if he is so prevented from being at such meetings, some one on his behalf, shall produce to the meetings a statement showing the whole of his assets and debts, and the names and addresses of the creditors to whom such debts respectively are due.

Debtor to be present.

120. The extraordinary resolution, together with the statement of the debtor as to his assets and debts, shall be presented to the registrar, and it shall be his duty to inquire whether such resolution has been passed in manner directed by this section, and if satisfied that it has been so passed he shall forthwith register the resolution and statement of assets and debts; but until such registration has taken place such resolution shall be of no validity; and any creditor of the debtor may inspect such statement at prescribed times, and on payment of such fee, if any, as may be prescribed.

Extraordinary resolution to be registered.

121. The creditors may, by an extraordinary resolution, add to or vary the provisions of any composition previously accepted by them, without prejudice to any persons taking interests under such provisions who do not assent to such addition or variation; and any such extraordinary resolution shall be presented to the registrar in the same manner and with the same consequences as the extraordinary resolution by which the composition was accepted in the first instance.

Alteration of composition.

122. The provisions of a composition accepted by an extraordinary resolution in pursuance of this section shall be binding on all the creditors whose names and addresses, and the amount of the debts due to whom, are shown in the statement of the debtor, produced to the meetings at which the resolution has passed, but shall not affect or prejudice the rights of any other creditors.

Composition to be binding.

123. Where a debt arises on a bill of exchange, hundí or promissory note, if the debtor is ignorant of the holder of any such bill of exchange, hundí or promissory note, he shall be required to state the amount of such bill, hundí or note, the date on which it falls due, the name of the acceptor or person to whom it is payable, and any other particulars within his knowledge respecting the same; and the insertion of such particulars shall be deemed a sufficient description of the creditor of the debtor in respect of such debt, and any mistake made inadvertently by a debtor in the statement of his debts may be corrected after the prescribed notice has been given, with the consent of a general meeting of his creditors:

Provision as to debts on bills or notes.

124. The provisions of any composition made in pursuance of this section may be enforced by the Court on a motion made in a summary manner by any person interested, and any disobedience of the order of the Court made on such motion shall be deemed to be an offence under the Indian Penal Code, section 187.

Enforcement of composition.

125. Rules of Court may be made in relation to proceedings on the occasion of the acceptance of a composition by an extraordinary resolution of creditors in the same manner and to the same extent and of the same authority as in respect of proceedings in insolvency:

Rules as to accepting composition.

126. If it appear to the Court on satisfactory evidence that a composition under this section cannot, in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, the Court may adjudge the debtor an insolvent, and proceedings may be had accordingly.

Stoppage of composition.

127. The registration by the registrar of a special resolution of the creditors on the occasion of a liquidation by arrangement under Part five of this Act, or of an extraordinary resolution of the creditors on the occasion of a composition under the sixth Part of this Act, shall, in the absence of fraud, be conclusive evidence that such resolutions respectively were duly passed and all the requisitions of this Act in respect of such resolutions complied with.

Registration of resolutions of creditors conclusive in certain cases.

STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to establish, throughout British India, a law under which the property of an insolvent may be cheaply and speedily divided amongst his creditors, and the Bill provides that such division shall be conducted by the creditors themselves, either under the immediate supervision of the Court, or by a process called "liquidation by arrangement." The Bill also defines and amends the law relating to compositions with creditors.

An Insolvent law, the 11th & 12th Vic., cap. 21, exists in the three Presidency towns, but the Judges who have had most experience in working it consider it defective in many respects. In the Mofussil, the 270th and 271st sections of the Code of Civil Procedure act as a sort of substitute for a law of bankruptcy. They provide simply that, if property is attached and sold in execution of a decree, the surplus, if any, shall be divided rateably amongst any other persons who, prior to the order for distribution, have taken out execution of decrees against the defendant and not obtained satisfaction.

These provisions have, in practice, been found to act in a very crude and imperfect manner. They are obviously very incomplete. They provide no machinery for the collection of the insolvent's assets. They contain no security against fraud. They hold out a premium to a competition between creditors for the first decree, which in practice is most injurious to their common interests. The first creditor who gets a decree and takes out execution is entitled to be paid in full, while the rest come in *pari passu* and

divide what is left. The result is (as Mr. Broughton remarks) that there is an injurious contest for the first decree against a trader supposed to be in difficulties; that his property is attached and sold on the spot, always at a considerable loss; that perishable goods are hurried away to improper receptacles and are often greatly damaged, and that the judgment debtor is tempted to resort to fraud in order to avoid the consequences of his position. Thus an insolvent defendant often selects which of his creditors shall be paid in full, or which shall be paid at all; and in many cases (says Mr. Justice Markby, 3 Ben. Law Rep. A. C. J. 403) the first in the list of attaching creditors is really only a nominal creditor acting on behalf of the defendant.

The present Bill is taken from the Bankruptcy Act of 1869 (32 & 33 Vic., c. 71). Its leading feature is that the insolvent obtains his discharge on the surrender of his property, if his assets are sufficient to pay eight annas in the rupee, or if his creditors wish him to be discharged. If the assets do not reach this amount, and if the difference is not paid in three years, the amount unpaid becomes a judgment debt against the insolvent, which may be enforced with the leave of the Court.

Several modifications have been introduced in order to adapt the English measure to India. Of these, the most important are the following: The Bill makes no distinction between traders and non-traders: the 'Chief Insolvency Court' is defined so as to include the four High Courts and the Chief Court of the Panjáb; the Local Insolvency Courts will be, in the Regulation Provinces, the District Courts; in the Non-Regulation Provinces, other than British Burma and Sindh, the Commissioners of Divisions; in Burma the Recorders; in Sindh the Judicial Commissioner. All orders made by the Chief Insolvency Court in respect of matters brought before it on appeal will be final, unless such Court gives leave to appeal to the Judicial Committee of the Privy Council.

SIMLA,
27th Sept. 1870.

J. F. STEPHEN.

WHITLEY STOKES,
Secy. to the Govt. of India,
Legislative Dept.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, DECEMBER 3, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd December 1870, and was referred to a Select Committee with instructions to make their report thereon in two months:—

No. 27 OF 1870.

THE INDIAN LIMITATION BILL, 1871.

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A BILL FOR THE LIMITATION OF SUITS.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the limitation of suits, appeals and certain applications to Courts; It is hereby enacted as follows:—

I.—Preliminary.

Short title.

1. This Act may be called 'The Indian Limitation Act, 1871:'

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force on the first day of *March* 1871:

Act not retrospective.

But nothing herein contained applies to suits in which the right to sue accrued before that day, or to applications to execute decrees or orders then in force.

Repeal of enactments.

2. The enactments mentioned in the first schedule hereto annexed are repealed to the extent specified in the third column of the same schedule.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context—

'plaintiff' includes any person through whom a plaintiff claims:

'bill of exchange' includes a hundí:

'trustee' does not include a benámídár, a mortgagee remaining in possession after the mortgage has been satisfied, or a wrong-doer in possession without title:

'registered' means duly registered under the law for the registration of assurances in force at the time and place of executing the instrument referred to in the context;

and nothing shall be deemed to be done in 'good faith' which is not done with due care and attention.

II.—Limitation of Suits.

Dismissal of suits instituted after period of limitation.

4. Subject to the provisions contained in sections five to twenty-six (inclusive), every suit instituted, appeal presented, and application made after the period of limitation prescribed therefor by the second schedule hereto annexed, shall be dismissed, although limitation has not been set up as a defence.

Explanation.—A suit is instituted in ordinary cases when the plaint is presented to the proper officer: in the case of a pauper, when his application for leave to sue as a pauper is filed; and in the case of a claim against a company which is being wound up by the Court, when the claimant first sends in his claim to the official liquidator.

5. Provided—

Proviso where court is closed when period expires.

(*a*) that if the period of limitation prescribed for any suit, appeal or application expires on a day when the Court is closed, the suit, appeal or application may be instituted, presented or made on the day that the Court re-opens:

Proviso as to appeals and applications for review.

(*b*) that any appeal or application for a review of judgment may be admitted after the period of limitation prescribed therefor, when the appellant or applicant satisfies the Court that he had sufficient cause for not presenting the appeal or making the application within such period; and

Appeal once admitted not to be dismissed as late.

(*c*) that no Court, after admitting and registering an appeal, shall dismiss it on the ground that it was not presented within the prescribed period.

Shorter period of limitation prescribed by local laws.

6. When, by any law now or hereafter to be in force in any part of British India, a period of limitation shorter than that prescribed by this Act is specially prescribed for a particular class of suits or appeals, nothing herein contained shall affect such law.

Legal Disability.

Legal disability.

7. If a person entitled to sue be, at the time the right to sue accrued,

1*st*, within the age of eighteen years;

2*nd*, insane; or

3*rd*, an idiot;

he may institute the suit within the same period after the disability has ceased, or (when he is at the time of the accrual affected by two disabilities) after both disabilities have ceased, as would otherwise have been allowed from the time prescribed therefor in the third column of the second schedule hereto annexed.

When his disability continues up to his death, his representative in interest may institute the suit within the same period after the death as would otherwise have been allowed from the time prescribed therefor in the third column of the same schedule.

Nothing in this section shall be deemed to extend, for more than three years from the cessation or death, the period within which the suit must be brought.

Disability of one joint creditor.

8. When one of several joint creditors or claimants is under any such disability, and when a discharge can be given without the concurrence of such person, time will run against them all: but where no such discharge can be given, time will not run as against any of them until they all are free from disability.

Continuous running of time.

9. When once time has begun to run, no subsequent disability or inability to sue stops it.

III.—Computation of Period of Limitation.

Exclusion of day on which right to sue accrues.

10. In computing the period of limitation prescribed for any suit, the day on which the right to sue accrued shall be excluded.

Exclusions in case of civil appeals and certain applications.

In computing the period of limitation prescribed for an appeal under the Code of Civil Procedure, an application for leave to appeal as a pauper, and an application to the High Court for the admission of a special appeal, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree appealed against, shall be excluded.

Exclusion of time of defendant's absence from British India.

11. In computing the period of limitation prescribed for any suit, the time during which the defendant has been absent from British India shall be excluded, unless service of a summons to appear and answer in the suit can, during such absence, be made under the Code of Civil Procedure, section sixty.

Exclusion of time of suing *bonâ fide* in wrong Court.

12. In computing the period of limitation prescribed for any suit, the time during which the plaintiff has been prosecuting with due diligence another suit, whether in a Court of first instance or in a Court of appeal, against the same defendant or some person whom he represents, shall be excluded, where the last-mentioned suit is founded upon the same right to sue, and is instituted in good faith in a Court not having jurisdiction to try it.

Explanation 1.—In excluding the time during which a former suit was pending, the day on which that suit was instituted, and the day on which the proceedings therein ended, shall both be counted.

Explanation 2.—A plaintiff resisting an appeal presented on the ground of want of jurisdiction, shall be deemed to be prosecuting a suit within the meaning of this section.

Exclusion of time during which commencement of suit is stayed by injunction.

13. In computing the period of limitation prescribed for any suit, the commencement of which has been stayed by injunction, the time of the continuance of the injunction shall be excluded.

Exclusion of time during which judgment-debtor sues to set aside execution sale.

14. In computing the period of limitation prescribed for a suit for possession by a purchaser at a sale in execution of a decree, the time during which the judgment-debtor has been prosecuting a suit to set aside the sale shall be excluded.

Effect of death before right to sue accrues.

15. When a person who would, if he were living, have a right to sue, dies before the right accrues, the period of limitation shall be computed from the time when there is a representative in interest of the deceased.

When a person against whom, if he were living, a right to sue would have accrued, dies before the right accrues, the period of limitation shall be computed from the time when there is a representative whom the plaintiff may sue.

Effect of fraud.

16. When any person having a right to sue has, by means of fraud, been kept from the knowledge of such right or of the title on which it is founded,

and where any document necessary to establish such right has been fraudulently concealed,

the time limited for commencing a suit,

(*a*) against the person guilty of the fraud or accessory thereto, or,

(*b*) against any person claiming through him otherwise than in good faith and for a valuable consideration,

shall be computed from the time when the fraud first became known to the person injuriously affected thereby, or in the case of the concealed document, when he first had the means of producing it or compelling its production.

Effect of acknowledgment in writing.

17. No acknowledgment or promise in respect of a debt or legacy shall take the case out of the operation of this Act, unless such acknowledgment or promise is contained in some writing signed by the party to be charged therewith.

When such writing exists, a new period of limitation, according to the nature of the original liability, shall be computed from the time when the acknowledgment or promise was signed: Provided that, where more partners, executors, or other persons than one are liable, none of them shall become chargeable by reason only of a written acknowledgment or promise signed by another of them.

When the writing containing the acknowledgment or promise is undated, oral evidence may be given of the time when it was signed. But when it is alleged to have been destroyed or lost, oral evidence of its contents shall not be received.

Explanation.—For the purposes of this section, an acknowledgment or promise may be sufficient, though it omits to specify the exact amount of the debt or legacy, or avers that the time for payment or delivery has not yet come, or sets up limitation as a bar, or is accompanied by a refusal to pay or deliver, or is coupled with a claim to a set-off, or is addressed to any person other than the creditor or legatee.

Illustrations.—Z, a bond-debtor, himself writes a letter promising to pay the debt to his creditor A. Z affixes his seal, but does not sign the letter:

He pays part of the debt and promises orally to pay the rest:

He pays interest on the debt:

He pays part of the debt, and signs a memorandum of the part-payment:

Z's agent writes and signs a letter to A, promising to pay the debt:

Z publishes an advertisement, requesting his creditors to bring in their claims for examination:

In none of these cases is the debt taken out of the operation of this Act.

Effect of substituting or adding new plaintiff or defendant.

18. When, after the institution of a suit, a new plaintiff or defendant is substituted or added, the period of limitation applicable to such suit shall, as regards him, be computed up to the time when he was so made a party:

Proviso where original defendant dies.

Provided that when a defendant dies, and the suit is continued against his representatives in interest, it shall, as regards them, be deemed to have been commenced when it was instituted against the deceased defendant.

Computation where there are successive breaches of contract.

Computation where the breach is continuing.

19. In the case of a suit for the breach of a contract, where there are successive breaches, a fresh right to sue arises, and a fresh period of limitation begins to run, upon every fresh breach; and where the breach is a continuing breach, a fresh right to sue arises, and a fresh period of limitation begins to run, at every moment of the time during which the breach continues.

Continuing nuisance.

In the case of a continuing nuisance a fresh right to sue arises, and a fresh period of limitation begins to run, at every moment of the time during which the nuisance continues.

Illustration (*a*.)—A contracts to pay an annuity to B for his life by quarterly instalments. A fails to pay any of the instalments. Here upon every fresh failure, a fresh right to sue arises and a fresh period of limitation begins to run; and this Act may bar the remedy on the earlier breaches without affecting the remedy on the later breaches.

Illustration (*b*.)—A, a tenant, covenants with B, his landlord, to keep certain buildings in repair. At every moment of the time during which the buildings continue out of repair and B retains his right of entry, a fresh right to sue arises and a fresh period of limitation begins to run.

Illustration (*c*.)—A diverts B's watercourse. At every moment of the time during which the diversion continues and B retains his right of entry, a fresh right to sue arises and a fresh period of limitation begins to run.

Suit for compensation for lawful act becoming unlawful.

20. In the case of a suit for compensation for an act lawful in itself, which becomes unlawful in case it causes damage, the period of limitation shall be computed from the time when the damage accrues.

When the damage done by such act is of a continuing nature, the period of limitation shall be computed from the time when such damage ceases.

Illustration (*a*).—A owns the surface of a field. B owns the subsoil. B digs coal thereout without causing any immediate apparent injury to the surface, but at last the surface subsides. The period of limitation runs from the time of the subsidence.

Illustration (*b*).—A digs a canal on his own land and thereby causes a stream of water to flow against his neighbour's wall and gradually to undermine it, so that at last the wall falls. The period of limitation runs from the time of the falling.

Decree directing payment by instalments.

21. When a decree directs payment to be made by instalments at specified dates, for the purpose of computing the time within which application may be made to enforce each instalment, the date when it becomes due shall be deemed the date of the decree.

Time mentioned in Native instruments.

22. In the absence of evidence to the contrary, an instrument made by a Native shall, for the purposes of this Act, be deemed to be made with reference to the calendar ordinarily employed by him.

Illustration (*a*).—A Hindú makes a promissory note bearing a Native date only, and payable four months after date. There is no evidence as to the calendar to which he referred. In computing the period of limitation applicable to a suit on the note, the four months shall be computed according to the Native calendar ordinarily used by the maker.

Illustration (*b*).—A Hindú makes a bond, bearing a Native date only, for the repayment of money within one year. There is no evidence as to the calendar to which he referred. The year shall be computed according to the Native calendar ordinarily used by the obligor.

IV.—Adverse Possession and Prescription.

What constitutes adverse possession.

23. For the purpose of constituting an adverse possession by a person claiming title, land is deemed to have been possessed and occupied

(1) where it has been usually cultivated or improved,

(2) where it has been protected by a substantial enclosure,

(3) where buildings have been erected upon it, or

(4) where it has been used for the supply of fuel, timber, minerals, wax, honey, lac, juice of trees and the like, or for the purposes of husbandry, or otherwise for the benefit of the occupant;

and an hereditary office is deemed to have been possessed when the profits thereof have been usually received.

Relations affecting adverse possession.

24. When the relation of landlord and tenant, principal and agent, or master and servant has existed between any persons, the possession of the tenant, agent, or servant is deemed the possession of the landlord, principal, or master until the expiration of twelve years from the termination by the landlord, principal, or master of the tenancy, agency or service. But such presumption cannot be made after the periods herein limited.

Prescription.

Title by prescription.

25. Adverse, uninterrupted possession for the period hereby limited in the case of any suit for the recovery of property confers a title thereto, which is sufficient against all.

V.—Miscellaneous.

Suits against express trustees and their representatives.

26. Notwithstanding anything hereinbefore contained, no suit against a person to whom property has been conveyed in trust for specific purposes, and no suits against his representatives, for the purpose of following in his or their hands such property, shall be barred by any length of time.

Foreign limitation law.

27. No foreign rule of limitations shall be a defence to a suit in British India on a contract entered into in a foreign country, unless the rule has extinguished the contract, and the parties were living in such country when the extinction took place.

Suits on foreign contracts.

28. Suits in British India on contracts entered into in a foreign country are subject to the rules prescribed by this Act.

FIRST SCHEDULE.

(*See section* 2.)

Number and year.	Subject or title.	Extent of repeal.
21 Jac. I, cap. sixteen ...	An Act for limitation of actions and for avoiding of suits in law.	The whole Statute..
4 Ann, cap. sixteen ...	An Act for the amendment of the law and the better advancement of justice.	Sections seventeen, eighteen and nineteen.
53 Geo. III, cap. one hundred and fifty-five.	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company.	Section one hundred and twenty-four, so far as it applies to British India.
6 & 7 Vic., cap. ninety-four ...	Foreign Jurisdiction Act ...	Section seven, so far as it applies to British India.
Act No. XI of 1841	Military Courts of Requests ...	The proviso in section nine.
Act No. XII of 1855 ...	An Act to enable Executors, Administrators or Representatives to sue and be sued for certain wrongs.	In section one, the words "and provided such action shall be brought within one year after the death of such person," and the words "and so as such action shall be commenced within two years after the committing of the wrong."
Act No. XIII of 1855 ...	An Act to provide compensation to families for loss occasioned by the death of a person caused by actionable wrong.	In section two, the words "and that every such action shall be brought within twelve calendar months after the death of such deceased person."
Act No. XXV of 1857 ...	Forfeiture for mutiny	Section nine.
Act No. VIII of 1859 ...	The Code of Civil Procedure ...	In section one hundred and nineteen, the words "within a reasonable time not exceeding thirty days after any process for enforcing the judgment has been executed," and the words "within thirty days from the date of the judgment." In section two hundred and thirty, the words "within one month from the date of the dispossession." In section two hundred and thirty-one, the words "within one month from the date of the dispossession." The last twelve words of section two hundred and forty-six. In section two hundred and fifty-six, the words "at any time within thirty days from the date of the sale." In section two hundred and sixty-nine, the words "if made within one month from the date of such existence or obstruction, or of such dispossession as the case may be." In section three hundred and twenty-four, the second sentence. In section three hundred and twenty-seven, the words "within six months from the date of the award." In section three hundred and thirty-three, from and including the words "within the period" down to the end of the section. In section three hundred and forty-seven, the words "within thirty days from the date of the dismissal." In section three hundred and seventy-three, the words "within the period prescribed for the presentation of a memorandum of appeal." Section three hundred and seventy-seven.

FIRST SCHEDULE—*continued.*

Number and year.	Subject or title.	Extent of repeal.
Act No. IX of 1859 ...	Forfeited property	The proviso in section twenty.
Act No. XIV of 1859 ...	An Act to provide for the limitation of suits.	The whole Act, except so much of section fifteen as does not relate to the limitation of suits.
Act No. IX of 1860 ...	Workmen and employers ...	So much of section two as relates to the limitation of suits.
Act No. XXXI of 1860 ...	Arms Act	So much of section forty-nine as relates to the limitation of suits.
Act No. V of 1861 ...	Mofussil Police	So much of section forty-two as relates to the limitation of suits.
Act No. XXIII of 1861 ...	Civil Procedure Code Amendment ...	Section twelve.
Act No. I of 1863 ...	Civil Courts in British Burma ...	Section twenty-four.
Act No. VI of 1863 ...	Consolidated Customs Act ...	So much of section two hundred and fourteen as relates to the limitation of suits.
Act No. XXIII of 1863 ...	Claims to Waste-lands ...	So much of section five as relates to the limitation of suits.

FIRST SCHEDULE—*concluded.*

Number and year.	Subject or title.	Extent of repeal.
Act No. VII of 1865 ...	Government Forests Act ...	So much of section sixteen as relates to the limitation of suits.
Act No. XX of 1866 ...	Registration Act ...	Section fifty-one.
Act No. XIV of 1868 ...	Contagious Diseases Act ...	So much of section twenty-five as relates to the limitation of suits.
Act No. XX of 1869 ...	Volunteers ...	So much of section twenty-two as relates to the limitation of suits.
Act No. X of 1870 ...	Land Acquisition ...	So much of section fifty-eight as relates to the limitation of suits.
Bombay Regulation V of 1827...	A Regulation defining the Limitations, as to Time, within which Civil Actions may be prosecuted, and containing Rules of Judication respecting written Acknowledgments of Debts executed without receipt of a full consideration; also regarding Interest, the tendering payment of Debts, and the disposal of Property mortgaged or pledged.	Section one, clause one.

SECOND SCHEDULE.

(*See section* 4.)

Description of suit.	Period of limitation.	Time when period begins to run.
	Part I.—Ten days.	
1.—Application to set aside an award.	Ten days ..	When the award is submitted to the Court.
1A.—Complaint, under the Cattle-trespass Act, of an illegal seizure.	Ditto ..	The date of the seizure.
	Part II.—Thirty days.	
2.—Suit to contest an award of the Board of Revenue under Act No. XXIII of 1863 (*to provide for the adjudication of claims to waste-lands*).	Thirty days ...	The date of the award.
3.—Appeal under the Code of Civil Procedure to the Court of a District Judge.	Ditto ...	The date of the decree appealed against.
3A.—Appeal under the Code of Criminal Procedure to any Court other than the High Court.	Ditto ...	The date of the sentence or order appealed against.
4.—Application by a plaintiff for an order to set aside a judgment by default.	Ditto ...	The date of the judgment.
5.—Application by a defendant for an order to set aside a judgment *exparte.*	Ditto ...	The date of executing any process for enforcing the judgment.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part II.—Thirty days,—concluded.	
6.—Application under the Code of Civil Procedure, section two hundred and thirty.	Thirty days ...	The date of the dispossession.
7.—Application to set aside a sale in execution of a decree, on the ground of irregularity in the publishing or conducting the sale.	Ditto ...	The date of the sale.
8.—Application complaining of resistance or obstruction to delivery of possession of immoveable property sold in execution of a decree, or of dispossession in the delivery of possession to the purchaser of such property.	Ditto ...	The date of the resistance, obstruction, or dispossession.
9.—Application for re-admission of an appeal dismissed for want of prosecution.	Ditto ...	The date of the dismissal.
	Part III.—Sixty days.	
9 A.—Appeal to the High Court under the Code of Criminal Procedure.	Sixty days ...	The date of the sentence or order appealed against.
	Part IV.—Ninety days.	
10.—Suit for an act done in pursuance of any enactment in force for the time being in British India.	Ninety days ...	When the act was done.
11.—Appeal to the High Court under the Code of Civil Procedure.	Ditto ...	The date of the decree appealed against.
12.—Application for leave to appeal as a pauper.	Ditto ...	Ditto.
13.—Application to a High Court for the admission of a special appeal.	Ditto ...	Ditto.
14.—Application for a review of judgment.	Ditto ...	The date of the decree.
	Part V.—Six Months.	
15.—Suit under Act No. XIV of 1859 (*to provide for the limitation of suits*), section fifteen, to recover possession of immoveable property.	Six months ...	When the dispossession occurs.
16.—Claim under Act No. IX of 1860 (*to provide for the speedy determination of certain disputes between workmen engaged in Railway and other public works and their employers*), section one.	Ditto ...	When the wages, hire, or price of work claimed accrued due.
17.—Suit under Act No. V of 1866 (*to provide a summary procedure on bills of exchange, and to amend, in certain respects, the commercial law of British India.*)	Ditto ...	When the bill or promissory note becomes due and payable.
18.—Application under the Code of Civil Procedure, section three hundred and twenty-seven, that an award be filed in Court.	Ditto ...	The date of the award.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VI.—One Year.	
19.—Suit upon a Statute, Act or Regulation for a penalty or forfeiture.	One year ...	When the penalty or forfeiture is incurred.
20.—Suit for the wages of a domestic servant, artisan or labourer not provided for by No. 16.	Ditto ...	When the wages sued for accrue due.
21.—Suit for the amount of a tavern-bill, or of a bill for board and lodging, or for lodging only.	Ditto ...	When the bill is delivered.
22.—Suit to enforce a right of pre-emption, whether the right is founded on law, or general usage, or on special contract.	Ditto ...	When the purchaser takes actual possession under the sale sought to be impeached.
23.—Suit for infringing copyright.	Ditto ...	The date of the infringement.
24.—Suit for property seized under Act No. XXV of 1857 (*to render officers and soldiers in the Native Army liable to forfeiture of property for muting*), or for the restoration or recovery of such property, or its proceeds.	Ditto ...	When the property is seized.
25.—Suit by executors, administrators, or representatives under Act No. XII of 1855 (*to enable executors, administrators or representatives to sue and be sued for certain wrongs*), or under Act No. XIII of 1855 (*to provide compensation to families for loss occasioned by the death of a person caused by actionable wrong*).	Ditto ...	The date of the death of the person wronged or killed.
26.—Suit for the recovery of the person of a wife.	Ditto ...	When possession is demanded and refused.
27.—Suit for the restitution of conjugal rights.	Ditto ...	When restitution is demanded and refused.
28.—Suit to set aside any of the following sales:—	Ditto ...	The time that the sale is confirmed, or would otherwise have become final and conclusive had no such suit been brought.
(*a*) sale in execution of a decree of a Civil Court not established by Royal Charter;		
(*b*) sale in pursuance of a decree or order of a Collector or other officer of revenue;		
(*c*) sale for arrears of Government revenue or for any demand recoverable as such arrears;		
and (when the suit is brought by a patnídár or a person claiming under a patnídár) sale of a patní táluq sold for current arrears of rent.		
Explanation.—In this clause 'patní' includes any intermediate tenure saleable for current arrears of rent, and 'patnídár' includes the proprietor of such tenure.		

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VI.—One year, —concluded.	
29.—Suit to alter or set aside a summary decision or order of a civil court not established by Royal Charter.	One year ...	The date of the final decision or order in the case by a court competent to determine it finally.
30.—Suit by a person dispossessed under an execution-sale to have his rights declared and for recovery of possession.	Ditto ...	The date of the dispossession.
31.—Suit against Government to set aside any attachment, lease or transfer of immoveable property by the revenue authorities for arrears of Government revenue.	Ditto ...	When the attachment, lease or transfer is made.
32.—Suit against Government to recover money paid under protest in satisfaction of a claim made by the revenue authorities on account of arrears of revenue or on account of demands recoverable as such arrears.	Ditto ...	When the payment is made.
33.—Suit against Government for compensation for land acquired for public purposes, or for compensation when the acquisition is not completed.	Ditto ...	The date of determining the amount of the compensation, or the date of the refusal to complete.
33A.—Application for the execution of a decision (other than a decree or order passed in a regular suit or on appeal) of a Civil court not established by Royal Charter or of a Revenue court.	Ditto ...	The date of the decision or of taking some proceeding to enforce, or keep in force, the decision.
	Part VII.—Two years.	
34.—Suit for false imprisonment. D. B. 30.	Two years ...	When the imprisonment ends.
35.—Suit for any other injury to the person.	Ditto ...	When the injury is committed.
36.—Suit for a malicious prosecution ...	Ditto ...	When the plaintiff is acquitted.
37.—Suit for libel ...	Ditto ...	When the libel is published.
38.—Suit for slander ...	Ditto ...	When the words are spoken.
39.—Suit for trespass upon immoveable property.	Ditto ...	When the trespass takes place.
40.—Suit for obstructing a way or a water-course	Ditto ...	The date of the obstruction.
41.—Suit for diverting a water-course ...	Ditto ...	The date of the diversion.
42.—Suit for taking or damaging moveable property.	Ditto ...	When the taking or damage occurs.
43.—Suit for wrongfully detaining title-deeds.	Ditto ...	When the title to the property comprised in the deeds is adjudged to the plaintiff.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VII.—Two years,—concluded.	
44.—Suit for wrongfully detaining any other moveable property.	Two years ...	When the detainer's property becomes unlawful.
45.—Suit for specific recovery of moveable property.	Ditto ...	When the property is demanded.
46.—Suit for lost moveable property which the possessor refuses to restore.	Ditto ...	The date of the refusal.
47.—Suit for slander of title to property.	Ditto ...	When damage is caused by the slander.
48.—Suit for loss of service occasioned by the seduction of the plaintiff's servant or daughter.	Ditto ...	When the loss occurs.
49.—Suit for inducing a person to break a contract with the plaintiff.	Ditto ...	The date of the breach.
50.—Suit for an illegal, irregular, or excessive distress.	Ditto ...	The date of the distress.
51.—Suit for wrongful seizure of moveable property under legal process.	Ditto ...	The date of the seizure.
52.—Suit against a carrier for losing or injuring goods.	Ditto ...	When the loss or injury occurs.
53.—Suit against a carrier for delay in delivering goods.	Ditto ...	When the goods ought to be delivered.
54.—Suit against one who, having a right to use property for specific purposes, perverts it to other purposes.	Ditto ...	The time of the perversion.
55.—Suit under Act No. XII of 1855 *(to enable executors, administrators or representatives to sue and be sued for certain wrongs)* against an executor, administrator or other representative.	Ditto ...	When the wrong complained of is committed.
56.—Suit for compensation for any wrong, malfeasance, nonfeasance or misfeasance independent of contract and not herein specially provided for.	Ditto ...	When the default happens.
	Part VIII.—Three years.	
57.—Suit to contest an award under any of the following Regulations of the Bengal Code:— VII of 1822, IX of 1825, and IX of 1833.	Three years ...	The date of the final award or order in the case.
58.—Suit to recover any property comprised in such award.	Ditto ...	Ditto.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VIII.—Three years,—continued.	
59.—Suit by any person bound by an order respecting the possession of property made under Act No. XVI of 1838, section one, clause two, or Act No. XXV of 1861, chapter twenty-two, or by any one claiming under such person, to recover the property comprised in such order.	Three years ...	The date of the final order in the case.
60.—Suit for the hire of animals, vehicles, boats or household furniture.	Ditto ...	The date of the hiring.
61.—Suit for the balance of money advanced in payment of goods to be delivered.	Ditto ...	When the goods ought to be delivered.
62.—Suit for the price of goods sold and delivered, where no fixed period of credit is agreed upon.	Ditto ...	The date of the delivery of the goods.
63.—Suit for the price of goods sold and delivered to be paid for after the expiry of a fixed period of credit.	Ditto ...	The expiry of the period of credit.
64.—Suit for the price of goods sold and delivered to be paid for by a bill of exchange, no such bill being given.	Ditto ...	When the period of the proposed bill elapses.
65.—Suit for the price of trees or growing crops sold by the plaintiff to the defendant where no fixed period of credit is agreed upon.	Ditto ...	The date of the sale.
66.—Suit for the price of work done by the plaintiff for the defendant at his request.	Ditto ...	When the work is done.
67.—Suit for money payable for money lent or for money lent under an agreement that it shall be payable on demand.	Ditto ...	When the loan is made.
68.—Suit for money payable to the plaintiff for money paid for the defendant.	Ditto ...	When the money is paid.
69.—Suit for money payable by the defendant to the plaintiff for money received by the defendant for the plaintiff's use.	Ditto ..	When the money is received.
70.—Suit for money payable for interest upon money due from the defendant to the plaintiff where there is no registered agreement in writing to pay the interest.	Ditto ...	When the interest becomes due.
71.—Suit for money payable to the plaintiff for money found to be due from the defendant to the plaintiff on accounts stated between them.	Ditto ...	When the accounts are stated, unless where the debt is made payable at a future time and then when that time arrives.
72.—Suit upon a promise to do anything at a specified time, or upon the happening of a specified contingency.	Ditto ...	At the time specified or upon the contingency happening.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VIII.—Three years,—continued.	
73.—Suit upon a judgment not obtained in British India.	Three years ...	The date of the judgment.
74.—Suit against a factor for an account.	Ditto ...	When the account is demanded.
75.—Suit on a bill of exchange or promissory note payable at a fixed time after date.	Ditto ...	When the bill or note falls due.
76.—Suit on a bill of exchange payable at or after sight.	Ditto ...	When the bill is presented.
77.—Suit on a bill of exchange accepted payable at a particular place.	Ditto ...	When the bill is presented at that place.
78.—Suit on a bill of exchange or promissory note payable at a fixed time after sight or after demand.	Ditto ...	When the fixed time expires.
79.—Suit on a bill of exchange or promissory note payable on demand and not accompanied by any writing restraining or postponing the right to sue.	Ditto ...	The date of making or accepting.
80.—Suit by the endorsee of a promissory note against the endorser.	Ditto ...	The date of the endorsement.
81.—Suit on a promissory note or bond payable by instalments.	Ditto ...	The expiration of the first term of payment, as to the part then payable; and, for the other parts, the expiration of the respective terms of payment.
82.—Suit on a promissory note or bond payable by instalments, which provides that if default be made in payment of one instalment the whole shall be due.	Ditto ...	The time of the first default.
83.—Suit on a promissory note given by the maker to a third person to be delivered to the payee after a certain event should happen.	Ditto ...	The time of the delivery to the payee.
84.—Suit on a dishonoured foreign bill where protest has been made and notice given.	Ditto ...	When the notice is given.
85.—Suit by the payee against the drawer of a bill of exchange which has been dishonoured by non-acceptance.	Ditto ...	The date of the refusal to accept.
86.—Like suit when the bill has been dishonoured by non-acceptance and afterwards by non-payment.	Ditto ...	Ditto.
87.—Suit by the acceptor of an accommodation-bill against the drawer.	Ditto ...	When the acceptor pays the amount.
88.—Suit by a surety against the principal debtor.	Ditto ...	When the surety first pays the creditor.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VIII.—Three years,—continued.	
89.—Suit by a surety against a co-surety.	Three years ...	When the plaintiff first pays anything in excess of his own share.
90.—Suit upon any other contract to indemnify.	Ditto ...	When the plaintiff is actually damnified.
91.—Suit by an attorney or vakíl for his costs of a suit or a particular business, there being no express agreement as to the time when such costs are to be paid.	Ditto ...	The termination of the suit or business, or (where the attorney or vakíl properly discontinues the suit or business) the date of such discontinuance.
92.—Suits for compensation for damages caused by an injunction wrongfully obtained.	Ditto ...	When the injunction ceases.
93.—Suit for the balance due on a mutual, open and current account, where there have been reciprocal demands between the parties.	Ditto ...	The time of the last item admitted or proved in the account.
94.—Suit on a policy of insurance when the sum assured is payable after proof of the death or loss has been given to or received by the insurers.	Ditto ...	When proof of the death or loss is given or received, to or by the insurers, whether by or from the plaintiff, or any other person.
95.—Suit by the assured to recover premia paid under a policy voidable at the election of the insurers.	Ditto ...	When the insurers elect to avoid the policy.
96.—Suit by a principal against his agent for moveable property received by the latter and not accounted for.	Ditto ...	When the account is demanded and refused.
97.—Other suits by principals against agents for neglect or misconduct.	Ditto ...	When the neglect or misconduct occurs.
98.—Suit to cancel or set aside an instrument not otherwise provided for.	Ditto ...	When the instrument is executed.
99.—Suit to declare the forgery of an instrument issued, or registered, or attempted to be enforced.	Ditto ...	The date of the issue, registration, or attempt.
100.—Suit for property which the plaintiff has conveyed while insane.	Ditto ...	When the plaintiff is restored to sanity and has knowledge of the conveyance.
101.—Suit for relief on the ground of fraud.	Ditto ...	When the fraud becomes known to the party wronged.
102.—Suit for relief on the ground of mistake in fact.	Ditto ...	When the mistake becomes known to the plaintiff.
103.—Suit for money paid upon an existing consideration, which afterwards fails.	Ditto ...	The date of the failure.
104.—Suit to make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust.	Ditto ...	The date of the trustee's death.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VIII.—Three years,—continued.	
105.—Suit for contribution by a party who has paid the whole amount due under a joint decree payable by rateable shares.	Three years ...	The date of the plaintiff's advance in excess of his own share.
106.—Suit by a co-trustee to enforce against the estate of a deceased trustee a claim for contribution.	Ditto ...	When the right to contribution accrues.
107.—Suit for a seaman's wages. ...	Ditto ...	The end of the voyage during which the wages are earned.
108.—Suit by a Muhammadan for exigible dower *(mu'ajjal)*.	Ditto ...	When the dower is demanded and refused, or (where during the continuance of the marriage no such demand has been made) when the marriage is dissolved by death or divorce.
109.—Suit by a Muhammadan for deferred dower *(muwajjal)*.	Ditto ...	When the marriage is dissolved by death or divorce.
110.—Suit by a mortgagor after the mortgage has been satisfied, to recover surplus collections received by the mortgagee.	Ditto ...	The date of the satisfaction of the mortgage.
111.—Suit for an account and a share of the profits of a dissolved partnership.	Ditto ...	The date of the dissolution.
112.—Suit by a Hindú manager of a joint estate for contribution in respect of a payment made by him on account of the estate.	Ditto ...	The date of the payment.
113.—Suit to set aside a decree obtained by fraud.	Ditto ...	The date of the decree.
114.—Suit by a lessor for the value of trees cut down by his lessee contrary to the terms of the lease.	Ditto ...	When the trees are cut down.
115.—Suit for the profits of land belonging to the plaintiff wrongfully received by the defendant.	Ditto ...	When the profits are received.
116.—Suit for arrears of rent, *málikáná* and *toda garás*.	Ditto ...	When the arrears become due.
117.—Suit by a vendor of land to enforce his lien for unpaid purchase-money.	Ditto ...	The time fixed for completing the sale, or (where the title is accepted after the time fixed for completion) the date of the acceptance.
118.—Suit for specific performance of a contract.	Ditto ...	When the plaintiff has notice that his right is denied.
119.—Suit for the rescission of a contract...	Ditto ...	When the contract is executed by the plaintiff.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VIII.—Three years,—concluded.	
120.—Suit for the breach of any contract, express or implied, not in writing registered.	Three years ...	When the contract is broken, or (where there are successive breaches) when the breach sued for occurs, or (where the breach is continuing) when it ceases.
121.—Application for the execution of a decree or order of a court not established by Royal Charter.	Ditto ...	The date of the decree or order, or (when the application next hereinafter mentioned has been made) the date of applying in good faith to the court to enforce, or keep in force, the decree or order, or (when the notice next hereinafter mentioned has been issued) the date of issuing in good faith a notice under the Code of Civil Procedure, section two hundred and sixteen, or (where there has been an appeal) the date of the final decree or order of the Appellate Court, or (where there has been a review of judgment) the date of the decision passed on the review.
122.—Application for the execution of any such decree or order within the local limits of the ordinary original civil jurisdiction of a court established by Royal Charter.	Ditto ...	The date of filing in such Court the copy of the decree or order.
	Part IX.—Six years.	
123.—Suit on a promise or contract in writing registered.	Six years ...	When the right to sue accrues. *Explanation.*—In the case of a suit of any of the descriptions mentioned in Part VI or Part VIII of this schedule, the right to sue shall be deemed to accrue at the time fixed by the third column for such description of suit.
124.—Suit for which no period of limitation is provided elsewhere in this schedule.	Ditto ...	Ditto.
	Part X.—Twelve years.	
125.—Suit by an auction purchaser or any one claiming under him to avoid incumbrances or under-tenures in an entire estate sold for arrears of Government revenue, the estate being, by virtue of such sale, freed from incumbrances and under-tenures.	Twelve years ...	When the sale becomes final and conclusive.
126.—Suit to avoid incumbrances or under-tenures in a *patní táluq* or other saleable tenure sold for arrears of rent, the táluq or tenure being, by virtue of such sale, freed from incumbrances and under-tenures.	Ditto ...	When the sale becomes final and conclusive.
127.—Suit upon a judgment obtained in British India, or a recognizance.	Ditto ...	The date of the judgment or recognizance.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part X.—Twelve years,—continued.	
128.—Suit in a case governed by English law for the breach of a contract by specialty.	Twelve years ...	When the contract is broken.
129.—Suit for a legacy.	Ditto ...	When the legacy becomes payable or deliverable.
130.—Suit for an hereditary office.	Ditto ...	When the defendant, or some person through whom he claims, took adverse possession of the office.
131.—Suit by a landlord to recover possession from a tenant.	Ditto ...	When the tenancy is determined.
132.—Suit in a Court not established by Royal Charter by a mortgagee for possession of immoveable property mortgaged.	Ditto ...	When the mortgagee is first entitled to possession.
133.—Suit by a purchaser at a private sale for possession of the immoveable property sold, when the vendor was out of possession at the date of the sale.	Ditto ...	When the vendor is first entitled to possession.
134.—Like suit by a purchaser at a sale in execution of a decree, when the execution-debtor was out of possession at the date of the sale.	Ditto ...	When the execution-debtor is first entitled to possession.
135.—Suit by a purchaser of land at a sale in execution of a decree, for possession of the purchased land, when he never has had possession.	Ditto ...	The date of the sale.
136.—Like suit when the purchaser had possession, but was afterwards dispossessed.	Ditto ...	The date of the dispossession.
137.—Suit by a mírásídár to recover possession of mírás land, which his ancestor had resigned to Government, from a holder to whom Government had subsequently granted it.	Ditto ...	When the land was resigned.
138.—Suit by a remainderman, a reversioner, or an executory devisee, for possession of immoveable property.	Ditto ...	When his estate falls into possession.
139.—Like suit by a Hindú entitled to the possession of immoveable property on the death of a Hindú widow.	Ditto ...	When the widow dies.
140.—Suit by a Hindú governed by the law of the Mitákshará to set aside his father's alienation of ancestral property.	Ditto ...	The date of the alienation.
141.—Like suit by a Hindú governed by the law of the Dáyabhága.	Ditto ...	When the father dies.
142.—Suit during the life of a Hindú widow by a Hindú entitled to the possession of land on her death to have an alienation made by the widow declared to be void except for her life.	Ditto ...	When the alienation took place.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part X.—Twelve years,—concluded.	
143.—Like suit after the widow's death ...	Twelve years ...	The date of the death.
144.—Suit by a Hindú excluded from joint-family property to enforce a right to share therein.	Ditto ...	In the case of a Hindú governed by the law of the Dáyabhága, the date of the death of the person from whom the property is alleged to have descended. In the case of any other Hindú, the date of the last payment to the plaintiff on account of the share by the person in possession or management of the property, not in any way on behalf of the plaintiff.
145.—Suit by a Hindú for maintenance.	Ditto ...	When the maintenance sued for is claimed and refused.
146.—Suit to set aside an adoption ...	Ditto ...	The date of the adoption.
147.—Suit for the resumption or assessment of rent-free land.	Ditto ...	When the right to resume or assess the land first accrued: Provided that no such suit shall be maintained where the land forms part of a permanently-settled estate, and has been held rent-free from the time of the Permanent Settlement.
148.—Suit to establish a periodically recurring right.	Ditto ...	When the plaintiff is first denied the enjoyment of the right.
149.—Suit for money charged upon or payable out of immoveable property.	Ditto ...	When the money becomes due.
150.—Suit for immoveable property or any interest therein not hereby otherwise specially provided for.	Ditto ...	When the defendant, or some person through whom he claims, took adverse possession of the property.
151.—Application to enforce a judgment, decree or order of any Court established by Royal Charter in the exercise of its ordinary original civil jurisdiction.	Ditto ...	When a present right to enforce the judgment, decree or order accrued to some person capable of releasing the right: Provided that, when the judgment, decree or order has been revived, or some part of the principal money secured thereby, or some interest on such money has been paid, or some acknowledgment of the right thereto has been given in writing signed by the person liable to pay such principal or interest or his agent, to the person entitled thereto or his agent, the twelve years shall be computed from the date of such revivor, payment or acknowledgment, or the latest of such revivors, payments or acknowledgments, as the case may be.

SECOND SCHEDULE—*concluded.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part XI.—Thirty years.	
152.—Suit against a depositary or pawnee to recover moveable property deposited or pawned.	Thirty years ...	The date of the deposit or pawn, unless where an acknowledgment of the title of the depositor or pawnor, or of his right of redemption, has been made in writing signed by the depositary, or pawnee, or some person claiming under him, and, in such case, the date of the acknowledgment.
153.—Suit to recover moveable property conveyed in trust, deposited or pawned and afterwards bought from the trustee, depositary or pawnee in good faith and for value.	Ditto ...	The date of the purchase.
	Part XII.—Sixty years.	
154.—Suit against a mortgagee to recover immoveable property mortgaged.	Sixty years ...	The date of the mortgage, unless where an acknowledgment of the title of the mortgagor or of his right of redemption has been made in writing signed by the mortgagee or some person claiming under him, and, in such case, the date of the acknowledgment.
155.—Suit to recover immoveable property conveyed in trust or mortgaged and afterwards purchased from the trustee or mortgagee in good faith and for value.	Ditto ...	The date of the purchase.
156.—Suit before a Court established by Royal Charter in the exercise of its ordinary original civil jurisdiction by a mortgagee to recover from the mortgagor the possession of immoveable property mortgaged.	Ditto ...	When any part of the principal or interest was last paid on account of the mortgage debt.
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Nothing hereinafter contained shall be deemed to have the force of law.

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STATEMENT OF OBJECTS AND REASONS.

Though the Limitation Act (XIV of 1859) has not been in force for eight years, its twenty-four sections have given rise to more than a thousand reported cases, of which many are inconsistent and some directly conflicting. The time therefore appears to have arrived for attempting to redraw and re-arrange the Act so as to render the law on so important a subject certain, simple and easily ascertainable.

The present Bill is arranged on the following principle. In determining whether a given suit is barred by limitation, three matters, and three only, need, as a rule, be considered. These are, first, the class to which the suit belongs; secondly, the period of limitation prescribed therefor, and, thirdly, the time when that period begins to run. Most of the difficulties which arise in applying the Limitation Act are caused by the third of these considerations. The framers of the Act, it is true, have in some cases expressly fixed the time at which the period of limitation shall be taken to commence. But as to suits for wages, hire, the price of goods sold by retail, and damages for several kinds of wrong, and as to the other innumerable suits for which no period is specially provided, they have contented themselves with declaring that the period runs "from the time the cause of action arose." To say when a cause of action arises is sometimes difficult, and the great feature of the present measure is its attempt to preclude this difficulty. The bulk of the Bill accordingly consists of a schedule of the commonest suits, shewing, in the case of each, (1) the period of limitation applicable thereto, and (2) the time when that period begins to run. Easy access to the contents of this schedule is given by a copious alphabetical index.

The Bill also repeals and re-enacts the limitation-rules as to suits under Acts in force throughout British India, as well as the provisions contained in the Code of Civil Procedure as to the time within which appeals and certain applications to Courts must be presented and made. The Bill provides (Schedule II, No. 121) for applications for the execution of decrees of mofussil Courts within the local limits of the ordinary original civil jurisdiction of the High Courts. This will supply an omission in the law which has lately been pointed out by the High Court of Madras (5 Mad. H. C. Rep. 219).

The other provisions of the Bill will now be noticed.

Act XIV of 1859, section 1, declares that "no suit shall be maintained unless the same is instituted within the period of limitation hereinafter made applicable to a suit of that nature." Upon this section many questions have arisen; as to the effect of pleading limitation; whether the plea can be considered on appeal where it has not been set up in the Court of first instance, and whether there is, in this respect, any distinction between regular and special appeals. The corresponding provision of the Bill (section 4) is, it is hoped, so framed as to preclude such questions.

The explanation to section 4 of the Bill enacts (in accordance with decisions of the High Court at Fort William) that a suit shall be considered as instituted, in ordinary cases, when the plaint is presented to the proper officer; in the case of a pauper, when his application to sue as such is filed, and in the case of a claim against a Company which is being wound up by the Court, when the claimant applies to the official liquidator.

Section 5 provides for the case where a period of limitation expires when the Court is closed, empowers the Court, in proper cases, to admit an appeal or an application for review after the period applicable thereto, and declares, in accordance with a decision of Sir B. Peacock's, that an appeal once admitted shall not be dismissed as late.

The section (7) on legal disability, in accordance with the original draft of Act XIV, omits the case of coverture. The identity of interests between husband and wife, even where the Indian Succession Act does not apply, will suffice to secure attention to her claims against third parties. The section provides for the case of two disabilities existing when the right to sue accrues.

Sections 8 and 9 embody the English law as to the effect of the disability of a joint creditor or claimant, and as to the continuous running of time.

In computing the period of limitation, contradictory rulings have been made as to whether the day on which the cause of action arose should be excluded. The Bill, section 10, settles this question in the affirmative.

Section 11—as to the effect of a defendant's absence from British India—is equivalent to Act XIV of 1859, section 13. But the words 'for any suit' have been introduced so as to preclude (in accordance with a decision of the Madras High Court) the application of this provision to the execution of decrees.

To section 12—as to the effect of suing *bonâ fide* in a wrong court—have been added explanations to shew, (1) that, in excluding the time during which a former suit was pending, the day on which that suit was instituted and the day on which the proceedings therein ended, shall both be counted, and (2) that a plaintiff resisting an appeal presented on the ground of want of jurisdiction shall be deemed to be prosecuting a suit within the meaning of the section. These provisions accord with the rulings in *Hurro Soonduree Dabea* v. *Kally Mohun* and in *Shumboonath Biswas* v. *Kistodhone Sircar* cited in the second edition of Mr. Thomson's work on Act XIV, pp. 288, 292.

No provision is made in Act XIV for a case where the commencement of a suit is stayed by injunction. Section 13 of the Bill provides (in accordance with the New York Code of Civil Procedure, section 589) that, in such case, the time that the injunction continues is no part of the period limited for the institution of the suit.

Section 14 declares, in accordance with the decision in *Gopal Chunder Ghose* v. *Roj Chunder Dutt*, 2 W. R. Mis. 9, that, in computing the period prescribed for a suit for possession by an execution-purchaser, the time during which the judgment-debtor has been suing to set aside the sale shall be excluded.

Section 15, in accordance with English cases, declares that when a person who would, if alive, have a right to sue, dies before the accrual, time shall begin to run as soon as he is represented in interest. So, where a person against whom, if alive, a right to sue would have accrued, dies before the accrual, time will begin running when there is a representative whom the plaintiff may sue.

Section 16—as to the effect of fraud—is equivalent to Act XIV of 1859, section 9.

Section 17—as to the effect of an acknowledgment or promise in writing—settles, by the explanation and illustrations added thereto, several doubts which have arisen on the corresponding section (4) of Act XIV. It declares, in accord with the English case of *Edmonds* v. *Downes*, 2 C. & M. 459, 463, that where the acknowledgment is undated, oral evidence may be given of the time it was signed. But it also declares (herein contravening *Haydon* v. *Williams*, 7 Bing. 163) that when the acknowledgment is destroyed or lost, oral evidence of its contents shall not be received. It declares, in the 'explanation,' that an acknowledgment may be sufficient though it omits to specify the exact amount of the debt, or avers that the time for payment has not come, or sets up limitation as a bar, or is accompanied by a refusal to pay, or is coupled with a claim to a set-off, or, lastly, is addressed to any person other than the creditor.

Doubts have arisen as to how limitation should be applied when, after the institution of a suit, a new plaintiff or defendant is substituted or added. Section 18 contains rules on this subject, which accord with the decisions in 6 W. R. 298 and 10 W. R. 317.

Section 19 states the rules of English law as to the computation of time, (1) where there are successive breaches of contract, and (2) where a breach of contract or a nuisance is continuing.

Section 20 embodies the English law as to suits for compensation for a lawful act which, from subsequently causing damage, becomes unlawful.

When a decree directs payment to be made by instalments at specified dates, section 21 declares (in accordance with two decisions of the Bombay High Court) that, for the purpose of computing the time within which application may be made to enforce each instalment, the date when it becomes due shall be deemed the date of the decree.

Section 22 (also in accordance with a decision of the Bombay High Court) provides that in the absence of evidence to the contrary, an instrument made by a Native shall, for the purposes of the Limitation Act, be deemed to be made with reference to the calendar ordinarily employed by him.

Except in the Bombay Presidency (see Bombay Regulation V of 1827, section 1, clause 1) Indian statute-law contains no distinct enactment on the subject of the acquisition of title by prescription. Part IV of the Bill attempts to supply this want. It begins (section 23) by defining what constitutes adverse possession by a claimant of land or of an hereditary office. It then declares (section 24) how long the possession of a tenant, an agent or a servant shall be deemed the possession of his landlord, principal or master, and it concludes (section 25) by providing, in accordance with the New York Civil Code, section 441, and with 3 & 4 Wm. IV., c. 27, section 34, that adverse uninterrupted possession for the period limited in the case of any suit for the recovery of property confers a title thereto which is sufficient against all.

Part V of the Bill contains some miscellaneous provisions. Section 26 declares that suits against express trustees and their representatives, for the purpose of following trust-property, shall not be barred by any lapse of time. The section has been so framed as to preclude its application to cases of implied or constructive trust. Section 27 states the only case in which the Courts of this country can be required to give effect to a foreign rule of limitations. And section 28 declares that suits on contracts entered into abroad shall, here, be subject to the Indian limitation law, part of the *lex fori*. This is in accordance with *Huber* v. *Steiner*, 2 Scott 304.

To the Bill are appended two Schedules. The first comprises all the enactments relating to limitation and extending to British India which have not hitherto been expressly repealed. Of these, the first mentioned, 21 Jac., c. 16, was held in *The East India Co.* v. *Paul* (7 Moo. P. C. C. 85) to extend to India. Act XIV of 1859 is of course repealed, with the exception of one section (15) whose proper place is in the Code of Civil Procedure.

The second Schedule is divided into twelve parts corresponding with the twelve periods of limitation prescribed for the suits, appeals and applications to which the Act extends. Part IV provides a period of ninety days for all suits for acts done in pursuance of enactments in force in British India. Part VII provides a period of two years for suits for all wrongs independent of contract. Part VIII fixes a period of three years for suits on contracts not in writing registered. Where the contract is in writing and registered, the period will (under Part IX) be six years. So in the case of all suits for which no period of limitation is specially provided. Part XI and the first three clauses of Part XII state the law as laid down in Act XIV, section 1, clause 15, and sections 5 and 6. But as there is now nowhere in British India any special provision limiting public claims by Government, the last clause of Part XII proposes, in accordance with Bengal Regulation II of 1805, section 2, to fix a period of sixty years for suits in the name of the Secretary of State in Council.

It is right, in conclusion, to acknowledge the great assistance derived, in framing this Bill, from Mr. Ninian Thomson's work on Act XIV of 1859.

SIMLA,
The 20th September 1870.

J. F. STEPHEN.

WHITLEY STOKES,
Secy. to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd December 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 28 OF 1870.

A Bill for the Registration of Criminal Tribes and Eunuchs.

WHEREAS it is expedient to provide for the registration, surveillance and control of certain criminal tribes and eunuchs; It is hereby enacted as follows:—

Preamble.

Part I.—Preliminary.

1. This Act may be called "The Criminal Tribes' Act, 1870."

Short Title.

This section and section nine extend to the whole of British India: the rest of this Act extends only to the territories respectively under the governments of the Lieutenant-Governors of the North-Western Provinces and the Panjáb and under the administration of the Chief Commissioner of Oudh.

Local extent.

This Act shall come into force on the passing thereof.

Commencement.

Part II.—Criminal Tribes.

2. The Local Government may declare any tribe, gang or class of persons reasonably suspected of being addicted to the commission of theft or robbery, and having a fixed place of residence during the whole or any part of the year, to be a criminal tribe, gang or class, and may direct the Magistrate of any District in which such tribe, gang or class, or any part thereof, resides to make a register of the members of such tribe, gang or class in a form to be prescribed by the Local Government.

Power to declare certain tribes to be criminal.

Register of members of such tribes.

3. Upon receiving such direction, the said Magistrate shall publish a notice in the place where the register is to be made, calling upon all the members of the tribe, gang or class to appear, at a time and place therein specified, before such persons as he appoints, and to give those persons such information as may be necessary to enable them to make the register in the form aforesaid.

Procedure in making register.

Any member of any such tribe, gang or class failing to appear according to such notice, or intentionally omitting to furnish such information, or furnishing, as true, information on the subject which he knows or has reason to believe to be false, shall be deemed guilty of an offence under section one hundred and seventy-four, or one hundred and seventy-six, or one hundred and seventy-seven of the Indian Penal Code, as the case may be.

Penalties for failing to appear, refusing or giving false information.

4. The register, when made, shall be kept by the officer in charge of such Police Station as the said Magistrate from time to time directs.

Charge of register.

5. The officer keeping the register shall from time to time report to the said Magistrate any alterations which ought to be made therein, either by way of addition or omission.

Reporting desirable alterations in register.

6. Any person deeming himself aggrieved by any entry made or proposed to be made in such register may complain to the said Magistrate, and the Magistrate shall retain such person's name on the register, or erase it therefrom, or enter it thereupon as he may see fit.

Complaints of entries in register.

7. When the register has been formed, no alteration shall be made therein except by or by order of the said Magistrate, and he shall write his initials against every such alteration.

By whom alterations are to be made.

8. The Local Government may, with the previous consent of the Governor General in Council, make rules binding upon all persons whose names may, for the time being, be upon such register.

Power to make rules binding on registered persons.

Such rules may prescribe—

1*st*, the limits within which persons whose names are on the register shall reside;

2*nd*, conditions as to holding passes, under which such persons may be permitted to leave the said limits; and

3*rd*, conditions as to answering at roll-call or otherwise, in order to satisfy the said Magistrate, or persons authorized by him, that the persons whose names are on the register are actually present at given times within the said limits.

Any person violating any of the said rules shall, on conviction before a Magistrate, be punished with rigorous imprisonment for a term which may extend to six months, or with fine, or with whipping, or with all or any two of those punishments.

Penalties for breach of such rules.

9. Any person so registered, who is found in any part of India beyond the limits so prescribed for his residence, without such pass as may be required by the said rules, may be arrested without warrant by any Police Officer, and taken before a Magistrate, who may order him to be removed to the District in which he ought to have resided, there to be dealt with according to the rules under this Act in force for the time being.

Arrest of registered person found beyond prescribed limits.

The rules for the time being in force for the transmission of prisoners shall apply to all persons removed under this section.

Part III.—Eunuchs.

10. The Local Government shall cause the following registers to be made and kept up by such officer as from time to time it appoints in this behalf:—

Registers of eunuchs and their property.

(*a*) A register of the *names* and residences of all eunuchs residing in any town or place to which the Local Government specially extends this Part of this Act, who are reasonably suspected of kidnapping or castrating children, or of committing offences under the Indian Penal Code, section three hundred and seventy-seven, or of abetting, within the meaning of the same Code, the commission of any of the said offences; and

(*b*) a register of the property of such of the said eunuchs as, under the provisions hereinafter contained, are required to furnish information as to their property.

The Local Government may from time to time make rules for the making and keeping up and charge of such registers, and may, if it think fit, direct the name of any eunuch to be erased therefrom.

Rules for making and keeping up such registers.

11. Any eunuch so registered who appears in female clothes in any public street or place, or who dances or plays music, or takes part in any public exhibition, in any public street or place, or for hire in any private house,

Penalty on registered eunuch appearing in female clothes; or dancing in public or for hire.

shall, upon conviction before a Magistrate, be punished with imprisonment for a term which may extend to two years, or with fine, or with whipping, or with all or any two of those punishments.

12. Any eunuch so registered who has in his charge, or keeps in his house or under his power or control, any boy who has not completed the age of sixteen years, shall, upon conviction before a Magistrate, be punished with imprisonment for a term which may extend to two years, or with whipping, or with both.

Penalty on registered eunuch keeping boy under 16.

13. No eunuch so registered shall be capable—

Disabilities of registered eunuchs.

(*a*) of being or acting as guardian to any minor;

(*b*) of making a gift;

(*c*) of making a will, or

(*d*) of adopting a son.

14. Any officer authorized by the Local Government in this behalf may, from time to time, require any eunuch so registered to furnish information as to all property, whether moveable or immoveable, of or to which he is possessed or entitled, or which is held in trust for him.

Power to require information as to registered eunuchs' property.

Any such eunuch intentionally omitting to furnish such information, or furnishing, as true, information on the subject which he knows or has reason to *believe* to be false, shall be deemed to have committed an offence under section one hundred and seventy-six or one hundred and seventy-seven of the Indian Penal Code, as the case may be.

Penalty for refusing such information.

Part IV.—Miscellaneous.

15. All sentences of whipping under this Act shall be executed in manner, and subject to the precautions, prescribed in sections ten and eleven of Act No. VI of 1864.

Execution of sentences of whipping.

16. No suit or other proceeding shall be maintained against any person in respect of anything done by him in good faith pursuant to this Act.

Bar of suits for acts done *bond fide*.

17. All Magistrates and other persons are hereby indemnified for anything done under the circular order 18 of 1856 of the Judicial Commissioner of the Panjáb, and no suit or other proceeding shall be maintained against any such Magistrate or other person in respect of anything so done.

Indemnity for acting under circular order 18 of 1856 of Judicial Commissioner of the Panjáb.

STATEMENT OF OBJECTS AND REASONS.

Various tribes in the North-Western Provinces, the Panjáb and Oudh carry on theft and robbery systematically. They live quietly for part of the year in their own Districts, but they spend the rest of it in wandering about the country plundering, and on their return divide their gains according to a fixed rule. In the North-Western

Provinces alone, there are twenty-nine tribes who support themselves in the manner above described.

The first object of the present Bill is to provide for the formation of a register of the members of the tribes in question. They will be compelled, by Rules which the Local Government is empowered to make, to reside within certain fixed limits, forbidden to leave those limits without permission, and if found beyond them, apprehended by the Police and sent to the place where they ought to live. Like rules were till lately enforced, with excellent results, in the Panjáb; but the Chief Court has recently decided that these rules were unauthorized by law.

The second object of the Bill is to crush an association of eunuchs in the North-Western Provinces, who carry on a system of unnatural prostitution, and perpetuate their class by kidnapping and castrating boys.

The Bill provides for the registration of the names, residences and property of all eunuchs reasonably suspected of committing these offences; imposes penalties on any registered eunuch who appears in public in female clothes, who dances in public or for hire, or who keeps in his control any boy under the age of sixteen. It also deprives such eunuchs of the power of becoming guardians to minors, of making gifts and wills, and of adopting sons.

J. F. STEPHEN.

The 23rd November 1870.

WHITLEY STOKES,

Secy. to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd December 1870:—

No. 29 OF 1870.

A Bill to repeal the law relating to the General Funds of the Courts of Small Causes at the Presidency Towns.

WHEREAS by Act No. IX of 1850 *(for the more easy Recovery of small Debts and Demands in Calcutta, Madras and Bombay)*, section nineteen, it was (amongst other things) enacted that the fees therein mentioned should be paid over to an account to be termed the General Fund of the Court; and whereas no such payment has ever been made and no such account has ever been opened; and whereas it is expedient that the said enactment should be expressly repealed so far as relates to such payment and account; It is hereby enacted as follows:— Preamble.

1. The following words of the said section are hereby repealed (that is to say): "which fees shall be paid over to an account to be termed the General Fund of the Court." Partial repeal of Act IX of 1850, section 19.

2. All officers and other persons are hereby indemnified for omitting to make such payment or to open or keep such account; and no suit or other proceeding shall be maintained against any such officer or other person in respect of any such omission. Indemnity-clause.

STATEMENT OF OBJECTS AND REASONS.

Act IX of 1850, section 19, provides that the fees received by each of the Courts of Small Causes at the Presidency Towns shall be paid over to a Fund termed the General Fund of the Court. This provision has remained a dead letter: the charges of the Courts have hitherto been defrayed by the State; and the fees in question have always been credited to the State as "Judicial Receipts" or "Law and Justice." It is clearly desirable to render this practice legal and to continue to treat the receipts and charges of the Presidency Courts of Small Causes in the same manner as the receipts and charges of the other Courts in British India. The Bill accordingly repeals the provision above referred to and indemnifies all officers for omitting to obey it.

R. TEMPLE.

The 19th November 1870.

WHITLEY STOKES,

Secy. to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd December 1870:—

No. 30 OF 1870.

A Bill to extend the Prisons' Act, 1870, to Coorg.

FOR the purpose of extending the Prisons' Act, 1870, to Coorg: It is hereby enacted as follows:— Preamble.

1. The said Act shall extend to the territories under the administration of the Chief Commissioner of Coorg, but subject to the following modifications (that is to say):— Extension to Coorg of Act XXVI of 1870.

(*a.*) The preamble and sections one and six shall be construed as if, after the words 'Central Provinces,' the word 'Coorg' were inserted.

(*b.*) Section one shall be construed as if, for the words and figures 'December, 1870,' the words and figures 'January, 1871' were substituted.

STATEMENT OF OBJECTS AND REASONS.

No Jail Code having been laid down for guidance in Coorg, the present Bill, which has been framed at the suggestion of the Chief Commissioner, extends to that Province the recently passed Prisons' Act, No. XXVI of 1870.

F. S. CHAPMAN.

The 18th November 1870.

WHITLEY STOKES,

Secy. to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd December 1870:—

No. 31 OF 1870.

A Bill to authorise the committal of European British subjects by Courts in the Andamans to the High Court at Fort William.

WHEREAS Act No. XXI of 1863 *(to constitute Recorders' Courts for the Towns of Akyab, Rangoon and Moulmein in British Burmah, and to establish Courts of Small Causes in the said towns)*, section forty-one, enacts that European British subjects arrested for, or guilty of, certain offences in the Tenasserim Provinces shall be committed to and tried by, the Recorder at Maulmain; And whereas the Andaman Islands form part of the said Provinces; And whereas it is expedient that the jurisdiction so given to the Recorder at Maulmain should, so far as regards the said Islands, be transferred to the High Court of Judicature at Fort William; It is hereby enacted as follows:— Preamble.

1. Every European British subject charged in the Andaman Islands with any offence (other than an offence punishable with death under the Indian Penal Code) which a Justice of the Peace is not competent to punish, shall, if there be sufficient grounds for committing him for trial, be committed to, and tried by, the said High Court in the exercise of its ordinary original criminal jurisdiction. European British subject charged in the Andamans with certain offences to be committed to the High Court, Fort William.

2. Act No. XXI of 1863, section forty-one, so far as it relates to the Andaman Islands, is hereby repealed. Act XXI of 1863, section 41, repealed as to the Andamans.

STATEMENT OF OBJECTS AND REASONS.

The Andaman Islands being attached to the Tenasserim Commissionership, under the Burma Recorders Courts' Act (XXI of 1863), section 41, European British subjects charged in those Islands with crimes not punishable with death or by a Justice of the Peace, are committed to the Recorder at Maulmain.

As there are now no regular means of communication between the Andamans and British Burma, the present Bill has been prepared in order to transfer the jurisdiction thus conferred from the Recorder of Maulmain to the High Court at Fort William.

The Bill has been prepared at the suggestion of the Superintendent of Port Blair and the Nicobárs.

F. S. CHAPMAN.

The 19th November 1870.

WHITLEY STOKES,

Secy to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd December 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 32 OF 1870.

A Bill to authorise the extension of the Chaukidárí Act to places where there is no Jamadár of Police.

WHEREAS by Act No. XX of 1856 *(to make better provision for the appointment and maintenance of Police chowkeydars in Cities, Towns and Places within the Presidency of Fort William in Bengal)*, section two, the Local Government is restrained from extending that Act to any City, Town, Suburb or Bazaar unless there be therein (or in some other City, Town, Suburb or Bazaar with which the same may be united as thereinafter provided) a Police station under an officer of a grade not below that of a jamadár; And whereas it is expedient to remove such restriction; It is hereby enacted as follows: Preamble.

1. In Act No. XX of 1856, section two, the following words are repealed (that is to say) "to any City, Town, Suburb or Bazaar, unless there be therein (or in some other City, Town, Suburb, or Bazaar with which the same may be united as hereinafter provided) a Police station under an officer of a grade not below that of jemadar, nor." Repeal of part of section 2, Act No. XX of 1856.

STATEMENT OF OBJECTS AND REASONS.

The Local Governments are expressly forbidden to extend the Chaukídárí Act (XX of 1856) to any town in which there is not a Police station under an officer of a grade not below that of a jamadár. The recent reductions of the police have greatly diminished the number of stations at which there are jamadárs; and it is often desirable to extend the Act to towns where there are no Government constables, or where, at least, there is no jamadár.

The present Bill therefore proposes to repeal so much of section 2 of the Act as requires that police of a fixed strength must exist in the town before the provisions of the law can be extended thereto. The Bill has been prepared at the suggestion of the Government of the North-Western Provinces, and with the approval of the Governments of Bengal and the Panjáb.

F. S. CHAPMAN.

The 17th November 1870.

WHITLEY STOKES,

Secy. to the Govt. of India.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, DECEMBER 10, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

THE following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd December 1870, and was referred to a Select Committee with instructions to make their report thereon in two months :—

No. 27 OF 1870.

THE INDIAN LIMITATION BILL, 1871.

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A BILL FOR THE LIMITATION OF SUITS.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the limitation of suits, appeals and certain applications to Courts; It is hereby enacted as follows:—

I.—Preliminary.

Short title.

1. This Act may be called 'The Indian Limitation Act, 1871:'

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force on the first day of *March* 1871:

Act not retrospective.

But nothing herein contained applies to suits in which the right to sue accrued before that day, or to applications to execute decrees or orders then in force.

Repeal of enactments.

2. The enactments mentioned in the first schedule hereto annexed are repealed to the extent specified in the third column of the same schedule.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context—

'plaintiff' includes any person through whom a plaintiff claims:

'bill of exchange' includes a hundí:

'trustee' does not include a benámídár, a mortgagee remaining in possession after the mortgage has been satisfied, or a wrong-doer in possession without title:

'registered' means duly registered under the law for the registration of assurances in force at the time and place of executing the instrument referred to in the context;

and nothing shall be deemed to be done in 'good faith' which is not done with due care and attention.

II.—Limitation of Suits.

Dismissal of suits instituted after period of limitation.

4. Subject to the provisions contained in sections five to twenty-six (inclusive), every suit instituted, appeal presented, and application made after the period of limitation prescribed therefor by the second schedule hereto annexed, shall be dismissed, although limitation has not been set up as a defence.

Explanation.—A suit is instituted in ordinary cases when the plaint is presented to the proper officer: in the case of a pauper, when his application for leave to sue as a pauper is filed; and in the case of a claim against a company which is being wound up by the Court, when the claimant first sends in his claim to the official liquidator.

5. Provided—

Proviso where court is closed when period expires.

(*a*) that if the period of limitation prescribed for any suit, appeal or application expires on a day when the Court is closed, the suit, appeal or application may be instituted, presented or made on the day that the Court re-opens:

Proviso as to appeals and applications for review.

(*b*) that any appeal or application for a review of judgment may be admitted after the period of limitation prescribed therefor, when the appellant or applicant satisfies the Court that he had sufficient cause for not presenting the appeal or making the application within such period; and

Appeal once admitted not to be dismissed as late.

(*c*) that no Court, after admitting and registering an appeal, shall dismiss it on the ground that it was not presented within the prescribed period.

Shorter period of limitation prescribed by local laws.

6. When, by any law now or hereafter to be in force in any part of British India, a period of limitation shorter than that prescribed by this Act is specially prescribed for a particular class of suits or appeals, nothing herein contained shall affect such law.

Legal Disability.

Legal disability.

7. If a person entitled to sue be, at the time the right to sue accrued,

1*st*, within the age of eighteen years;

2*nd*, insane; or

3*rd*, an idiot;

he may institute the suit within the same period after the disability has ceased, or (when he is at the time of the accrual affected by two disabilities) after both disabilities have ceased, as would otherwise have been allowed from the time prescribed therefor in the third column of the second schedule hereto annexed.

When his disability continues up to his death, his representative in interest may institute the suit within the same period after the death as would otherwise have been allowed from the time prescribed therefor in the third column of the same schedule.

Nothing in this section shall be deemed to extend, for more than three years from the cessation or death, the period within which the suit must be brought.

Disability of one joint creditor.

8. When one of several joint creditors or claimants is under any such disability, and when a discharge can be given without the concurrence of such person, time will run against them all: but where no such discharge can be given, time will not run as against any of them until they all are free from disability.

Continuous running of time.

9. When once time has begun to run, no subsequent disability or inability to sue stops it.

III.—Computation of Period of Limitation.

Exclusion of day on which right to sue accrues.

10. In computing the period of limitation prescribed for any suit, the day on which the right to sue accrued shall be excluded.

Exclusions in case of civil appeals and certain applications.

In computing the period of limitation prescribed for an appeal under the Code of Civil Procedure, an application for leave to appeal as a pauper, and an application to the High Court for the admission of a special appeal, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree appealed against, shall be excluded.

Exclusion of time of defendant's absence from British India.

11. In computing the period of limitation prescribed for any suit, the time during which the defendant has been absent from British India shall be excluded, unless service of a summons to appear and answer in the suit can, during such absence, be made under the Code of Civil Procedure, section sixty.

Exclusion of time of suing *bonâ fide* in wrong Court.

12. In computing the period of limitation prescribed for any suit, the time during which the plaintiff has been prosecuting with due diligence another suit, whether in a Court of first instance or in a Court of appeal, against the same defendant or some person whom he represents, shall be excluded, where the last-mentioned suit is founded upon the same right to sue, and is instituted in good faith in a Court not having jurisdiction to try it.

Explanation 1.—In excluding the time during which a former suit was pending, the day on which that suit was instituted, and the day on which the proceedings therein ended, shall both be counted.

Explanation 2.—A plaintiff resisting an appeal presented on the ground of want of jurisdiction, shall be deemed to be prosecuting a suit within the meaning of this section.

Exclusion of time during which commencement of suit is stayed by injunction.

13. In computing the period of limitation prescribed for any suit, the commencement of which has been stayed by injunction, the time of the continuance of the injunction shall be excluded.

Exclusion of time during which judgment-debtor sues to set aside execution sale.

14. In computing the period of limitation prescribed for a suit for possession by a purchaser at a sale in execution of a decree, the time during which the judgment-debtor has been prosecuting a suit to set aside the sale shall be excluded.

Effect of death before right to sue accrues.

15. When a person who would, if he were living, have a right to sue, dies before the right accrues, the period of limitation shall be computed from the time when there is a representative in interest of the deceased.

When a person against whom, if he were living, a right to sue would have accrued, dies before the right accrues, the period of limitation shall be computed from the time when there is a representative whom the plaintiff may sue.

Effect of fraud.

16. When any person having a right to sue has, by means of fraud, been kept from the knowledge of such right or of the title on which it is founded,

and where any document necessary to establish such right has been fraudulently concealed,

the time limited for commencing a suit,

(*a*) against the person guilty of the fraud or accessory thereto, or,

(*b*) against any person claiming through him otherwise than in good faith and for a valuable consideration,

shall be computed from the time when the fraud first became known to the person injuriously affected thereby, or in the case of the concealed document, when he first had the means of producing it or compelling its production.

17. No acknowledgment or promise in respect of a debt or legacy shall take the case out of the operation of this Act, unless such acknowledgment or promise is contained in some writing signed by the party to be charged therewith.

Effect of acknowledgment in writing.

When such writing exists, a new period of limitation, according to the nature of the original liability, shall be computed from the time when the acknowledgment or promise was signed: Provided that, where more partners, executors, or other persons than one are liable, none of them shall become chargeable by reason only of a written acknowledgment or promise signed by another of them.

When the writing containing the acknowledgment or promise is undated, oral evidence may be given of the time when it was signed. But when it is alleged to have been destroyed or lost, oral evidence of its contents shall not be received.

Explanation.—For the purposes of this section, an acknowledgment or promise may be sufficient, though it omits to specify the exact amount of the debt or legacy, or avers that the time for payment or delivery has not yet come, or sets up limitation as a bar, or is accompanied by a refusal to pay or deliver, or is coupled with a claim to a set-off, or is addressed to any person other than the creditor or legatee.

Illustrations.—Z, a bond-debtor, himself writes a letter promising to pay the debt to his creditor A. Z affixes his seal, but does not sign the letter:

He pays part of the debt and promises orally to pay the rest:

He pays interest on the debt:

He pays part of the debt, and signs a memorandum of the part-payment:

Z's agent writes and signs a letter to A, promising to pay the debt:

Z publishes an advertisement, requesting his creditors to bring in their claims for examination:

In none of these cases is the debt taken out of the operation of this Act.

18. When, after the institution of a suit, a new plaintiff or defendant is substituted or added, the period of limitation applicable to such suit shall, as regards him, be computed up to the time when he was so made a party:

Effect of substituting or adding new plaintiff or defendant.

Provided that when a defendant dies, and the suit is continued against his representatives in interest, it shall, as regards them, be deemed to have been commenced when it was instituted against the deceased defendant.

Proviso where original defendant dies.

19. In the case of a suit for the breach of a contract, where there are successive breaches, a fresh right to sue arises, and a fresh period of limitation begins to run, upon every fresh breach; and where the breach is a continuing breach, a fresh right to sue arises, and a fresh period of limitation begins to run, at every moment of the time during which the breach continues.

Computation where there are successive breaches of contract.

Computation where the breach is continuing.

In the case of a continuing nuisance a fresh right to sue arises, and a fresh period of limitation begins to run, at every moment of the time during which the nuisance continues.

Continuing nuisance.

Illustration (*a*.)—A contracts to pay an annuity to B for his life by quarterly instalments. A fails to pay any of the instalments. Here upon every fresh failure, a fresh right to sue arises and a fresh period of limitation begins to run; and this Act may bar the remedy on the earlier breaches without affecting the remedy on the later breaches.

Illustration (*b*.)—A, a tenant, covenants with B, his landlord, to keep certain buildings in repair. At every moment of the time during which the buildings continue out of repair and B retains his right of entry, a fresh right to sue arises and a fresh period of limitation begins to run.

Illustration (*c*.)—A diverts B's watercourse. At every moment of the time during which the diversion continues and B retains his right of entry, a fresh right to sue arises and a fresh period of limitation begins to run.

20. In the case of a suit for compensation for an act lawful in itself, which becomes unlawful in case it causes damage, the period of limitation shall be computed from the time when the damage accrues.

Suit for compensation for lawful act becoming unlawful.

When the damage done by such act is of a continuing nature, the period of limitation shall be computed from the time when such damage ceases.

Illustration (*a*).—A owns the surface of a field. B owns the subsoil. B digs coal thereout without causing any immediate apparent injury to the surface, but at last the surface subsides. The period of limitation runs from the time of the subsidence.

Illustration (*b*).—A digs a canal on his own land and thereby causes a stream of water to flow against his neighbour's wall and gradually to undermine it, so that at last the wall falls. The period of limitation runs from the time of the falling.

21. When a decree directs payment to be made by instalments at specified dates, for the purpose of computing the time within which application may be made to enforce each instalment, the date when it becomes due shall be deemed the date of the decree.

Decree directing payment by instalments.

22. In the absence of evidence to the contrary, an instrument made by a Native shall, for the purposes of this Act, be deemed to be

Time mentioned in Native instruments.

made with reference to the calendar ordinarily employed by him.

Illustration (*a*).—A Hindú makes a promissory note bearing a Native date only, and payable four months after date. There is no evidence as to the calendar to which he referred. In computing the period of limitation applicable to a suit on the note, the four months shall be computed according to the Native calendar ordinarily used by the maker.

Illustration (*b*).—A Hindú makes a bond, bearing a Native date only, for the repayment of money within one year. There is no evidence as to the calendar to which he referred. The year shall be computed according to the Native calendar ordinarily used by the obligor.

IV.—Adverse Possession and Prescription.

23. For the purpose of constituting an adverse possession by a person claiming title, land is deemed to have been possessed and occupied

What constitutes adverse possession.

(1) where it has been usually cultivated or improved,

(2) where it has been protected by a substantial enclosure,

(3) where buildings have been erected upon it, or

(4) where it has been used for the supply of fuel, timber, minerals, wax, honey, lac, juice of trees and the like, or for the purposes of husbandry, or otherwise for the benefit of the occupant;

and an hereditary office is deemed to have been possessed when the profits thereof have been usually received.

24. When the relation of landlord and tenant, principal and agent, or master and servant has existed between any persons, the possession of the tenant, agent, or servant is deemed the possession of the landlord, principal, or master until the expiration of twelve years from the termination by the landlord, principal, or master of the tenancy, agency or service. But such presumption cannot be made after the periods herein limited.

Relations affecting adverse possession.

Prescription.

25. Adverse, uninterrupted possession for the period hereby limited in the case of any suit for the recovery of property confers a title thereto, which is sufficient against all.

Title by prescription.

V.—Miscellaneous.

26. Notwithstanding anything hereinbefore contained, no suit against a person to whom property has been conveyed in trust for specific purposes, and no suits against his representatives, for the purpose of following in his or their hands such property, shall be barred by any length of time.

Suits against express trustees and their representatives.

27. No foreign rule of limitations shall be a defence to a suit in British India on a contract entered into in a foreign country, unless the rule has extinguished the contract, and the parties were living in such country when the extinction took place.

Foreign limitation law.

28. Suits in British India on contracts entered into in a foreign country are subject to the rules prescribed by this Act.

Suits on foreign contracts.

FIRST SCHEDULE.

(*See section* 2.)

Number and year.	Subject or title.	Extent of repeal.
21 Jac. I, cap. sixteen ...	An Act for limitation of actions and for avoiding of suits in law.	The whole Statute.
4 Ann, cap. sixteen ...	An Act for the amendment of the law and the better advancement of justice.	Sections seventeen, eighteen and nineteen.
53 Geo. III, cap. one hundred and fifty-five.	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company.	Section one hundred and twenty-four, so far as it applies to British India.
6 & 7 Vic., cap. ninety-four ...	Foreign Jurisdiction Act ...	Section seven, so far as it applies to British India.
Act No. XI of 1841 ...	Military Courts of Requests ...	The proviso in section nine.
Act No. XII of 1855 ...	An Act to enable Executors, Administrators or Representatives to sue and be sued for certain wrongs.	In section one, the words "and provided such action shall be brought within one year after the death of such person," and the words "and so as such action shall be commenced within two years after the committing of the wrong."
* Act No. XIII of 1855 ...	An Act to provide compensation to families for loss occasioned by the death of a person caused by actionable wrong.	In section two, the words "and that every such action shall be brought within twelve calendar months after the death of such deceased person."
Act No. XXV of 1857 ...	Forfeiture for mutiny	Section nine.
Act No. VIII of 1859 ...	The Code of Civil Procedure ...	In section one hundred and nineteen, the words "within a reasonable time not exceeding thirty days after any process for enforcing the judgment has been executed," and the words "within thirty days from the date of the judgment." In section two hundred and thirty, the words "within one month from the date of the dispossession." In section two hundred and thirty-one, the words "within one month from the date of the dispossession." The last twelve words of section two hundred and forty-six. In section two hundred and fifty-six, the words "at any time within thirty days from the date of the sale." In section two hundred and sixty-nine, the words "if made within one month from the date of such existence or obstruction, or of such dispossession as the case may be." In section three hundred and twenty-four, the second sentence. In section three hundred and twenty-seven, the words "within six months from the date of the award." In section three hundred and thirty-three, from and including the words "within the period" down to the end of the section. In section three hundred and forty-seven, the words "within thirty days from the date of the dismissal." In section three hundred and seventy-three, the words "within the period prescribed for the presentation of a memorandum of appeal." Section three hundred and seventy-seven.

FIRST SCHEDULE—*continued.*

Number and year.	Subject or title.	Extent of repeal.
Act No. IX of 1859 ...	Forfeited property	The proviso in section twenty.
Act No. XIV of 1859 ...	An Act to provide for the limitation of suits.	The whole Act, except so much of section fifteen as does not relate to the limitation of suits.
Act No. IX of 1860 ...	Workmen and employers ...	So much of section two as relates to the limitation of suits.
Act No. XXXI of 1860 ...	Arms Act	So much of section forty-nine as relates to the limitation of suits.
Act No. V of 1861 ...	Mofussil Police	So much of section forty-two as relates to the limitation of suits.
Act No. XXIII of 1861 ...	Civil Procedure Code Amendment ...	Section twelve.
Act No. I of 1863 ...	Civil Courts in British Burma ...	Section twenty-four.
Act No. VI of 1863 ...	Consolidated Customs Act ...	So much of section two hundred and fourteen as relates to the limitation of suits.
Act No. XXIII of 1863 ...	Claims to Waste-lands ...	So much of section five as relates to the limitation of suits.

FIRST SCHEDULE—*concluded.*

Number and year.	Subject or title.	Extent of repeal.
Act No. VII of 1865 ...	Government Forests Act ...	So much of section sixteen as relates to the limitation of suits.
Act No. XX of 1866 ...	Registration Act ...	Section fifty-one.
Act No. XIV of 1868 ...	Contagious Diseases Act ...	So much of section twenty-five as relates to the limitation of suits.
Act No. XX of 1869 ...	Volunteers ...	So much of section twenty-two as relates to the limitation of suits.
Act No. X of 1870 ...	Land Acquisition ...	So much of section fifty-eight as relates to the limitation of suits.
Bombay Regulation V of 1827...	A Regulation defining the Limitations, as to Time, within which Civil Actions may be prosecuted, and containing Rules of Judication respecting written Acknowledgments of Debts executed without receipt of a full consideration; also regarding Interest, the tendering payment of Debts, and the disposal of Property mortgaged or pledged.	Section one, clause one.

SECOND SCHEDULE.

(*See section* 4.)

Description of suit.	Period of limitation.	Time when period begins to run.
	Part I.—Ten days.	
1.—Application to set aside an award.	Ten days ...	When the award is submitted to the Court.
1A.—Complaint, under the Cattle-trespass Act, of an illegal seizure.	Ditto ...	The date of the seizure.
	Part II.—Thirty days.	
2.—Suit to contest an award of the Board of Revenue under Act No. XXIII of 1863 (*to provide for the adjudication of claims to waste-lands*).	Thirty days ...	The date of the award.
3.—Appeal under the Code of Civil Procedure to the Court of a District Judge.	Ditto ...	The date of the decree appealed against.
3A.—Appeal under the Code of Criminal Procedure to any Court other than the High Court.	Ditto ...	The date of the sentence or order appealed against.
4.—Application by a plaintiff for an order to set aside a judgment by default.	Ditto ...	The date of the judgment.
5.—Application by a defendant for an order to set aside a judgment *exparte.*	Ditto ...	The date of executing any process for enforcing the judgment.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part II.—Thirty days,—concluded.	
6.—Application under the Code of Civil Procedure, section two hundred and thirty.	Thirty days ...	The date of the dispossession.
7.—Application to set aside a sale in execution of a decree, on the ground of irregularity in the publishing or conducting the sale.	Ditto ...	The date of the sale.
8.—Application complaining of resistance or obstruction to delivery of possession of immoveable property sold in execution of a decree, or of dispossession in the delivery of possession to the purchaser of such property.	Ditto ...	The date of the resistance, obstruction, or dispossession.
9.—Application for re-admission of an appeal dismissed for want of prosecution.	Ditto ...	The date of the dismissal.
	Part III.—Sixty days.	
9 A.—Appeal to the High Court under the Code of Criminal Procedure.	Sixty days ...	The date of the sentence or order appealed against.
	Part IV.—Ninety days.	
10.—Suit for an act done in pursuance of any enactment in force for the time being in British India.	Ninety days ...	When the act was done.
11.—Appeal to the High Court under the Code of Civil Procedure.	Ditto ...	The date of the decree appealed against.
12.—Application for leave to appeal as a pauper.	Ditto ...	Ditto.
13.—Application to a High Court for the admission of a special appeal.	Ditto ...	Ditto.
14.—Application for a review of judgment.	Ditto ...	The date of the decree.
	Part V.—Six Months.	
15.—Suit under Act No. XIV of 1859 (*to provide for the limitation of suits*), section fifteen, to recover possession of immoveable property.	Six months ...	When the dispossession occurs.
16.—Claim under Act No. IX of 1860 (*to provide for the speedy determination of certain disputes between workmen engaged in Railway and other public works and their employers*), section one.	Ditto ...	When the wages, hire, or price of work claimed accrued due.
17.—Suit under Act No. V of 1866 (*to provide a summary procedure on bills of exchange, and to amend, in certain respects, the commercial law of British India.*)	Ditto ...	When the bill or promissory note becomes due and payable.
18.—Application under the Code of Civil Procedure, section three hundred and twenty-seven, that an award be filed in Court.	Ditto ...	The date of the award.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VI.—One Year.	
19.—Suit upon a Statute, Act or Regulation for a penalty or forfeiture.	One year ...	When the penalty or forfeiture is incurred.
20.—Suit for the wages of a domestic servant, artisan or labourer not provided for by No. 16.	Ditto ...	When the wages sued for accrue due.
21.—Suit for the amount of a tavern-bill, or of a bill for board and lodging, or for lodging only.	Ditto. ...	When the bill is delivered.
22.—Suit to enforce a right of pre-emption, whether the right is founded on law, or general usage, or on special contract.	Ditto ...	When the purchaser takes actual possession under the sale sought to be impeached.
23.—Suit for infringing copyright.	Ditto ...	The date of the infringement.
24.—Suit for property seized under Act No. XXV of 1857 (*to render officers and soldiers in the Native Army liable to forfeiture of property for muting*), or for the restoration or recovery of such property, or its proceeds.	Ditto ...	When the property is seized.
25.—Suit by executors, administrators, or representatives under Act No. XII of 1855 (*to enable executors, administrators or representatives to sue and be sued for certain wrongs*), or under Act No. XIII of 1855 (*to provide compensation to families for loss occasioned by the death of a person caused by actionable wrong*).	Ditto ...	The date of the death of the person wronged or killed.
26.—Suit for the recovery of the person of a wife.	Ditto ...	When possession is demanded and refused.
27.—Suit for the restitution of conjugal rights.	Ditto ...	When restitution is demanded and refused.
28.—Suit to set aside any of the following sales:—	Ditto ...	The time that the sale is confirmed, or would otherwise have become final and conclusive had no such suit been brought.
(*a*) sale in execution of a decree of a Civil Court not established by Royal Charter;		
(*b*) sale in pursuance of a decree or order of a Collector or other officer of revenue;		
(*c*) sale for arrears of Government revenue or for any demand recoverable as such arrears;		
and (when the suit is brought by a patnídár or a person claiming under a patnídár) sale of a patní táluq sold for current arrears of rent.		
Explanation.—In this clause 'patní' includes any intermediate tenure saleable for current arrears of rent, and 'patnídár' includes the proprietor of such tenure.		

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VI.—One year, —concluded.	
29.—Suit to alter or set aside a summary decision or order of a civil court not established by Royal Charter.	One year ...	The date of the final decision or order in the case by a court competent to determine it finally.
30.—Suit by a person dispossessed under an execution-sale to have his rights declared and for recovery of possession.	Ditto ...	The date of the dispossession.
31.—Suit against Government to set aside any attachment, lease or transfer of immoveable property by the revenue authorities for arrears of Government revenue.	Ditto ...	When the attachment, lease or transfer is made.
32.—Suit against Government to recover money paid under protest in satisfaction of a claim made by the revenue authorities on account of arrears of revenue or on account of demands recoverable as such arrears.	Ditto ...	When the payment is made.
33.—Suit against Government for compensation for land acquired for public purposes, or for compensation when the acquisition is not completed.	Ditto ...	The date of determining the amount of the compensation, or the date of the refusal to complete.
33A.—Application for the execution of a decision (other than a decree or order passed in a regular suit or on appeal) of a Civil court not established by Royal Charter or of a Revenue court.	Ditto ...	The date of the decision or of taking some proceeding to enforce, or keep in force, the decision.
	Part VII.—Two years.	
34.—Suit for false imprisonment. D. B. 30.	Two years ...	When the imprisonment ends.
35.—Suit for any other injury to the person.	Ditto ...	When the injury is committed.
36.—Suit for a malicious prosecution ...	Ditto ...	When the plaintiff is acquitted.
37.—Suit for libel ...	Ditto ...	When the libel is published.
38.—Suit for slander ...	Ditto ...	When the words are spoken.
39.—Suit for trespass upon immoveable property.	Ditto ...	When the trespass takes place.
40.—Suit for obstructing a way or a water-course	Ditto ...	The date of the obstruction.
41.—Suit for diverting a water-course ...	Ditto ...	The date of the diversion.
42.—Suit for taking or damaging moveable property.	Ditto ...	When the taking or damage occurs.
43.—Suit for wrongfully detaining title-deeds.	Ditto ...	When the title to the property comprised in the deeds is adjudged to the plaintiff.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VII.—Two years,—concluded.	
44.—Suit for wrongfully detaining any other moveable property.	Two years ...	When the detainer's property becomes unlawful.
45.—Suit for specific recovery of moveable property.	Ditto ...	When the property is demanded.
46.—Suit for lost moveable property which the possessor refuses to restore.	Ditto ...	The date of the refusal.
47.—Suit for slander of title to property.	Ditto ...	When damage is caused by the slander.
48.—Suit for loss of service occasioned by the seduction of the plaintiff's servant or daughter.	Ditto ...	When the loss occurs.
49.—Suit for inducing a person to break a contract with the plaintiff.	Ditto ...	The date of the breach.
50.—Suit for an illegal, irregular, or excessive distress.	Ditto ...	The date of the distress.
51.—Suit for wrongful seizure of moveable property under legal process.	Ditto ...	The date of the seizure.
52.—Suit against a carrier for losing or injuring goods.	Ditto ...	When the loss or injury occurs.
53.—Suit against a carrier for delay in delivering goods.	Ditto ...	When the goods ought to be delivered.
54.—Suit against one who, having a right to use property for specific purposes, perverts it to other purposes.	Ditto ...	The time of the perversion.
55.—Suit under Act No. XII of 1855 *(to enable executors, administrators or representatives to sue and be sued for certain wrongs)* against an executor, administrator or other representative.	Ditto ...	When the wrong complained of is committed.
56.—Suit for compensation for any wrong, malfeasance, nonfeasance or misfeasance independent of contract and not herein specially provided for.	Ditto ...	When the default happens.
	Part VIII.—Three years.	
57.—Suit to contest an award under any of the following Regulations of the Bengal Code:— VII of 1822, IX of 1825, and IX of 1833.	Three years ...	The date of the final award or order in the case.
58.—Suit to recover any property comprised in such award.	Ditto ...	Ditto.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VIII.—Three years,—continued.	
59.—Suit by any person bound by an order respecting the possession of property made under Act No. XVI of 1838, section one, clause two, or Act No. XXV of 1861, chapter twenty-two, or by any one claiming under such person, to recover the property comprised in such order.	Three years ...	The date of the final order in the case.
60.—Suit for the hire of animals, vehicles, boats or household furniture.	Ditto ...	The date of the hiring.
61.—Suit for the balance of money advanced in payment of goods to be delivered.	Ditto ...	When the goods ought to be delivered.
62.—Suit for the price of goods sold and delivered, where no fixed period of credit is agreed upon.	Ditto ...	The date of the delivery of the goods.
63.—Suit for the price of goods sold and delivered to be paid for after the expiry of a fixed period of credit.	Ditto ...	The expiry of the period of credit.
64.—Suit for the price of goods sold and delivered to be paid for by a bill of exchange, no such bill being given.	Ditto ...	When the period of the proposed bill elapses.
65.—Suit for the price of trees or growing crops sold by the plaintiff to the defendant where no fixed period of credit is agreed upon.	Ditto ...	The date of the sale.
66.—Suit for the price of work done by the plaintiff for the defendant at his request.	Ditto ...	When the work is done.
67.—Suit for money payable for money lent or for money lent under an agreement that it shall be payable on demand.	Ditto ...	When the loan is made.
68.—Suit for money payable to the plaintiff for money paid for the defendant.	Ditto ...	When the money is paid.
69.—Suit for money payable by the defendant to the plaintiff for money received by the defendant for the plaintiff's use.	Ditto ..	When the money is received.
70.—Suit for money payable for interest upon money due from the defendant to the plaintiff where there is no registered agreement in writing to pay the interest.	Ditto ...	When the interest becomes due.
71.—Suit for money payable to the plaintiff for money found to be due from the defendant to the plaintiff on accounts stated between them.	Ditto ...	When the accounts are stated, unless where the debt is made payable at a future time and then when that time arrives.
72.—Suit upon a promise to do anything at a specified time, or upon the happening of a specified contingency.	Ditto ...	At the time specified or upon the contingency happening.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VIII.—Three years,—continued.	
73.—Suit upon a judgment not obtained in British India.	Three years ...	The date of the judgment.
74.—Suit against a factor for an account.	Ditto ...	When the account is demanded.
75.—Suit on a bill of exchange or promissory note payable at a fixed time after date.	Ditto ...	When the bill or note falls due.
76.—Suit on a bill of exchange payable at or after sight.	Ditto ...	When the bill is presented.
77.—Suit on a bill of exchange accepted payable at a particular place.	Ditto ...	When the bill is presented at that place.
78.—Suit on a bill of exchange or promissory note payable at a fixed time after sight or after demand.	Ditto ...	When the fixed time expires.
79.—Suit on a bill of exchange or promissory note payable on demand and not accompanied by any writing restraining or postponing the right to sue.	Ditto ...	The date of making or accepting.
80.—Suit by the endorsee of a promissory note against the endorser.	Ditto ...	The date of the endorsement.
81.—Suit on a promissory note or bond payable by instalments.	Ditto ...	The expiration of the first term of payment, as to the part then payable; and, for the other parts, the expiration of the respective terms of payment.
82.—Suit on a promissory note or bond payable by instalments, which provides that if default be made in payment of one instalment the whole shall be due.	Ditto ...	The time of the first default.
83.—Suit on a promissory note given by the maker to a third person to be delivered to the payee after a certain event should happen.	Ditto ...	The time of the delivery to the payee.
84.—Suit on a dishonoured foreign bill where protest has been made and notice given.	Ditto ...	When the notice is given.
85.—Suit by the payee against the drawer of a bill of exchange which has been dishonoured by non-acceptance.	Ditto ...	The date of the refusal to accept.
86.—Like suit when the bill has been dishonoured by non-acceptance and afterwards by non-payment.	Ditto ...	Ditto.
87.—Suit by the acceptor of an accommodation-bill against the drawer.	Ditto ...	When the acceptor pays the amount.
88.—Suit by a surety against the principal debtor.	Ditto ...	When the surety first pays the creditor.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VIII.—Three years,—continued.	
89.—Suit by a surety against a co-surety.	Three years ..	When the plaintiff first pays anything in excess of his own share.
90.—Suit upon any other contract to indemnify.	Ditto ...	When the plaintiff is actually damnified.
91.—Suit by an attorney or vakíl for his costs of a suit or a particular business, there being no express agreement as to the time when such costs are to be paid.	Ditto ...	The termination of the suit or business, or (where the attorney or vakíl properly discontinues the suit or business) the date of such discontinuance.
92.—Suits for compensation for damages caused by an injunction wrongfully obtained.	Ditto ...	When the injunction ceases.
93.—Suit for the balance due on a mutual, open and current account, where there have been reciprocal demands between the parties.	Ditto ...	The time of the last item admitted or proved in the account.
94.—Suit on a policy of insurance when the sum assured is payable after proof of the death or loss has been given to or received by the insurers.	Ditto ...	When proof of the death or loss is given or received, to or by the insurers, whether by or from the plaintiff, or any other person.
95.—Suit by the assured to recover premia paid under a policy voidable at the election of the insurers.	Ditto ...	When the insurers elect to avoid the policy.
96.—Suit by a principal against his agent for moveable property received by the latter and not accounted for.	Ditto ...	When the account is demanded and refused.
97.—Other suits by principals against agents for neglect or misconduct.	Ditto ...	When the neglect or misconduct occurs.
98.—Suit to cancel or set aside an instrument not otherwise provided for.	Ditto ...	When the instrument is executed.
99.—Suit to declare the forgery of an instrument issued, or registered, or attempted to be enforced.	Ditto ...	The date of the issue, registration, or attempt.
100.—Suit for property which the plaintiff has conveyed while insane.	Ditto ...	When the plaintiff is restored to sanity and has knowledge of the conveyance.
101.—Suit for relief on the ground of fraud.	Ditto ...	When the fraud becomes known to the party wronged.
102.—Suit for relief on the ground of mistake in fact.	Ditto ...	When the mistake becomes known to the plaintiff.
103.—Suit for money paid upon an existing consideration, which afterwards fails.	Ditto ...	The date of the failure.
104.—Suit to make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust.	Ditto ...	The date of the trustee's death.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VIII.—Three years,—continued.	
105.—Suit for contribution by a party who has paid the whole amount due under a joint decree payable by rateable shares.	Three years ...	The date of the plaintiff's advance in excess of his own share.
106.—Suit by a co-trustee to enforce against the estate of a deceased trustee a claim for contribution.	Ditto ...	When the right to contribution accrues.
107.—Suit for a seaman's wages. ...	Ditto ...	The end of the voyage during which the wages are earned.
108.—Suit by a Muhammadan for exigible dower *(mu'ajjal)*.	Ditto ...	When the dower is demanded and refused, or (where during the continuance of the marriage no such demand has been made) when the marriage is dissolved by death or divorce.
109.—Suit by a Muhammadan for deferred dower *(muwajjal)*.	Ditto ...	When the marriage is dissolved by death or divorce.
110.—Suit by a mortgagor after the mortgage has been satisfied, to recover surplus collections received by the mortgagee.	Ditto ...	The date of the satisfaction of the mortgage.
111.—Suit for an account and a share of the profits of a dissolved partnership.	Ditto ...	The date of the dissolution.
112.—Suit by a Hindú manager of a joint estate for contribution in respect of a payment made by him on account of the estate.	Ditto ...	The date of the payment.
113.—Suit to set aside a decree obtained by fraud.	Ditto ...	The date of the decree.
114.—Suit by a lessor for the value of trees cut down by his lessee contrary to the terms of the lease.	Ditto ...	When the trees are cut down.
115.—Suit for the profits of land belonging to the plaintiff wrongfully received by the defendant.	Ditto ...	When the profits are received.
116.—Suit for arrears of rent, *málikáná* and *toda garás*.	Ditto ...	When the arrears become due.
117.—Suit by a vendor of land to enforce his lien for unpaid purchase-money.	Ditto ...	The time fixed for completing the sale, or (where the title is accepted after the time fixed for completion) the date of the acceptance.
118.—Suit for specific performance of a contract.	Ditto ...	When the plaintiff has notice that his right is denied.
119.—Suit for the rescission of a contract...	Ditto ...	When the contract is executed by the plaintiff.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VIII.—Three years,—concluded.	
120.—Suit for the breach of any contract, express or implied, not in writing registered.	Three years ...	When the contract is broken, or (where there are successive breaches) when the breach sued for occurs, or (where the breach is continuing) when it ceases.
121.—Application for the execution of a decree or order of a court not established by Royal Charter.	Ditto ...	The date of the decree or order, or (when the application next hereinafter mentioned has been made) the date of applying in good faith to the court to enforce, or keep in force, the decree or order, or (when the notice next hereinafter mentioned has been issued) the date of issuing in good faith a notice under the Code of Civil Procedure, section two hundred and sixteen, or (where there has been an appeal) the date of the final decree or order of the Appellate Court, or (where there has been a review of judgment) the date of the decision passed on the review.
122.—Application for the execution of any such decree or order within the local limits of the ordinary original civil jurisdiction of a court established by Royal Charter.	Ditto ...	The date of filing in such Court the copy of the decree or order.
	Part IX.—Six years.	
123.—Suit on a promise or contract in writing registered.	Six years ...	When the right to sue accrues. *Explanation.*—In the case of a suit of any of the descriptions mentioned in Part VI or Part VIII of this schedule, the right to sue shall be deemed to accrue at the time fixed by the third column for such description of suit.
124.—Suit for which no period of limitation is provided elsewhere in this schedule.	Ditto ...	Ditto.
	Part X.—Twelve years.	
125.—Suit by an auction purchaser or any one claiming under him to avoid incumbrances or under-tenures in an entire estate sold for arrears of Government revenue, the estate being, by virtue of such sale, freed from incumbrances and under-tenures.	Twelve years ...	When the sale becomes final and conclusive.
126.—Suit to avoid incumbrances or under-tenures in a *patní táluq* or other saleable tenure sold for arrears of rent, the táluq or tenure being, by virtue of such sale, freed from incumbrances and under-tenures.	Ditto ...	When the sale becomes final and conclusive.
127.—Suit upon a judgment obtained in British India, or a recognizance.	Ditto ...	The date of the judgment or recognizance.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part X.—Twelve years,—continued.	
128.—Suit in a case governed by English law for the breach of a contract by specialty.	Twelve years ...	When the contract is broken.
129.—Suit for a legacy.	Ditto ...	When the legacy becomes payable or deliverable.
130.—Suit for an hereditary office.	Ditto ...	When the defendant, or some person through whom he claims, took adverse possession of the office.
131.—Suit by a landlord to recover possession from a tenant.	Ditto ...	When the tenancy is determined.
132.—Suit in a Court not established by Royal Charter by a mortgagee for possession of immoveable property mortgaged.	Ditto ...	When the mortgagee is first entitled to possession.
133.—Suit by a purchaser at a private sale for possession of the immoveable property sold, when the vendor was out of possession at the date of the sale.	Ditto ...	When the vendor is first entitled to possession.
134.—Like suit by a purchaser at a sale in execution of a decree, when the execution-debtor was out of possession at the date of the sale.	Ditto ...	When the execution-debtor is first entitled to possession.
135.—Suit by a purchaser of land at a sale in execution of a decree, for possession of the purchased land, when he never has had possession.	Ditto ...	The date of the sale.
136.—Like suit when the purchaser had possession, but was afterwards dispossessed.	Ditto ...	The date of the dispossession.
137.—Suit by a mírásídár to recover possession of mírás land, which his ancestor had resigned to Government, from a holder to whom Government had subsequently granted it.	Ditto ...	When the land was resigned.
138.—Suit by a remainderman, a reversioner, or an executory devisee, for possession of immoveable property.	Ditto ...	When his estate falls into possession.
139.—Like suit by a Hindú entitled to the possession of immoveable property on the death of a Hindú widow.	Ditto ...	When the widow dies.
140.—Suit by a Hindú governed by the law of the Mitákshará to set aside his father's alienation of ancestral property.	Ditto ...	The date of the alienation.
141.—Like suit by a Hindú governed by the law of the Dáyabhága.	Ditto ...	When the father dies.
142.—Suit during the life of a Hindú widow by a Hindú entitled to the possession of land on her death to have an alienation made by the widow declared to be void except for her life.	Ditto ...	When the alienation took place.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part X.—Twelve years,—concluded.	
143.—Like suit after the widow's death ...	Twelve years ...	The date of the death.
144.—Suit by a Hindú excluded from joint-family property to enforce a right to share therein.	Ditto ...	In the case of a Hindú governed by the law of the Dáyabhága, the date of the death of the person from whom the property is alleged to have descended. In the case of any other Hindú, the date of the last payment to the plaintiff on account of the share by the person in possession or management of the property, not in any way on behalf of the plaintiff.
145.—Suit by a Hindú for maintenance.	Ditto ...	When the maintenance sued for is claimed and refused.
146.—Suit to set aside an adoption ...	Ditto ...	The date of the adoption.
147.—Suit for the resumption or assessment of rent-free land.	Ditto ...	When the right to resume or assess the land first accrued: Provided that no such suit shall be maintained where the land forms part of a permanently-settled estate, and has been held rent-free from the time of the Permanent Settlement.
148.—Suit to establish a periodically recurring right.	Ditto ...	When the plaintiff is first denied the enjoyment of the right.
149.—Suit for money charged upon or payable out of immoveable property.	Ditto ...	When the money becomes due.
150.—Suit for immoveable property or any interest therein, not hereby otherwise specially provided for.	Ditto ...	When the defendant, or some person through whom he claims, took adverse possession of the property.
151.—Application to enforce a judgment, decree or order of any Court established by Royal Charter in the exercise of its ordinary original civil jurisdiction.	Ditto ...	When a present right to enforce the judgment, decree or order accrued to some person capable of releasing the right: Provided that, when the judgment, decree or order has been revived, or some part of the principal money secured thereby, or some interest on such money has been paid, or some acknowledgment of the right thereto has been given in writing signed by the person liable to pay such principal or interest or his agent, to the person entitled thereto or his agent, the twelve years shall be computed from the date of such revivor, payment or acknowledgment, or the latest of such revivors, payments or acknowledgments, as the case may be.

SECOND SCHEDULE—*concluded.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part XI.—Thirty years.	
152.—Suit against a depositary or pawnee to recover moveable property deposited or pawned.	Thirty years ...	The date of the deposit or pawn, unless where an acknowledgment of the title of the depositor or pawnor, or of his right of redemption, has been made in writing signed by the depositary, or pawnee, or some person claiming under him, and, in such case, the date of the acknowledgment.
153.—Suit to recover moveable property conveyed in trust, deposited or pawned and afterwards bought from the trustee, depositary or pawnee in good faith and for value.	Ditto ...	The date of the purchase.
	Part XII.—Sixty years.	
154.—Suit against a mortgagee to recover immoveable property mortgaged.	Sixty years ...	The date of the mortgage, unless where an acknowledgment of the title of the mortgagor or of his right of redemption has been made in writing signed by the mortgagee or some person claiming under him, and, in such case, the date of the acknowledgment.
155.—Suit to recover immoveable property conveyed in trust or mortgaged and afterwards purchased from the trustee or mortgagee in good faith and for value.	Ditto ...	The date of the purchase.
156.—Suit before a Court established by Royal Charter in the exercise of its ordinary original civil jurisdiction by a mortgagee to recover from the mortgagor the possession of immoveable property mortgaged.	Ditto ...	When any part of the principal or interest was last paid on account of the mortgage debt.
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Nothing hereinafter contained shall be deemed to have the force of law.

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STATEMENT OF OBJECTS AND REASONS.

Though the Limitation Act (XIV of 1859) has not been in force for eight years, its twenty-four sections have given rise to more than a thousand reported cases, of which many are inconsistent and some directly conflicting. The time therefore appears to have arrived for attempting to redraw and re-arrange the Act so as to render the law on so important a subject certain, simple and easily ascertainable.

The present Bill is arranged on the following principle. In determining whether a given suit is barred by limitation, three matters, and three only, need, as a rule, be considered. These are, first, the class to which the suit belongs; secondly, the period of limitation prescribed therefor, and, thirdly, the time when that period begins to run. Most of the difficulties which arise in applying the Limitation Act are caused by the third of these considerations. The framers of the Act, it is true, have in some cases expressly fixed the time at which the period of limitation shall be taken to commence. But as to suits for wages, hire, the price of goods sold by retail, and damages for several kinds of wrong, and as to the other innumerable suits for which no period is specially provided, they have contented themselves with declaring that the period runs "from the time the cause of action arose." To say when a cause of action arises is sometimes difficult, and the great feature of the present measure is its attempt to preclude this difficulty. The bulk of the Bill accordingly consists of a schedule of the commonest suits, shewing, in the case of each, (1) the period of limitation applicable thereto, and (2) the time when that period begins to run. Easy access to the contents of this schedule is given by a copious alphabetical index.

The Bill also repeals and re-enacts the limitation-rules as to suits under Acts in force throughout British India, as well as the provisions contained in the Code of Civil Procedure as to the time within which appeals and certain applications to Courts must be presented and made. The Bill provides (Schedule II, No. 121) for applications for the execution of decrees of mofussil Courts within the local limits of the ordinary original civil jurisdiction of the High Courts. This will supply an omission in the law which has lately been pointed out by the High Court of Madras (5 Mad. H. C. Rep. 219).

The other provisions of the Bill will now be noticed.

Act XIV of 1859, section 1, declares that "no suit shall be maintained unless the same is instituted within the period of limitation hereinafter made applicable to a suit of that nature." Upon this section many questions have arisen; as to the effect of pleading limitation; whether the plea can be considered on appeal where it has not been set up in the Court of first instance, and whether there is, in this respect, any distinction between regular and special appeals. The corresponding provision of the Bill (section 4) is, it is hoped, so framed as to preclude such questions.

The explanation to section 4 of the Bill enacts (in accordance with decisions of the High Court at Fort William) that a suit shall be considered as instituted, in ordinary cases, when the plaint is presented to the proper officer; in the case of a pauper, when his application to sue as such is filed, and in the case of a claim against a Company which is being wound up by the Court, when the claimant applies to the official liquidator.

Section 5 provides for the case where a period of limitation expires when the Court is closed, empowers the Court, in proper cases, to admit an appeal or an application for review after the period applicable thereto, and declares, in accordance with a decision of Sir B. Peacock's, that an appeal once admitted shall not be dismissed as late.

The section (7) on legal disability, in accordance with the original draft of Act XIV, omits the case of coverture. The identity of interests between husband and wife, even where the Indian Succession Act does not apply, will suffice to secure attention to her claims against third parties. The section provides for the case of two disabilities existing when the right to sue accrues.

Sections 8 and 9 embody the English law as to the effect of the disability of a joint creditor or claimant, and as to the continuous running of time.

In computing the period of limitation, contradictory rulings have been made as to whether the day on which the cause of action arose should be excluded. The Bill, section 10, settles this question in the affirmative.

Section 11—as to the effect of a defendant's absence from British India—is equivalent to Act XIV of 1859, section 13. But the words 'for any suit' have been introduced so as to preclude (in accordance with a decision of the Madras High Court) the application of this provision to the execution of decrees.

To section 12—as to the effect of suing *bonâ fide* in a wrong court—have been added explanations to shew, (1) that, in excluding the time during which a former suit was pending, the day on which that suit was instituted and the day on which the proceedings therein ended, shall both be counted, and (2) that a plaintiff resisting an appeal presented on the ground of want of jurisdiction shall be deemed to be prosecuting a suit within the meaning of the section. These provisions accord with the rulings in *Hurro Soonduree Dabea* v. *Kally Mohun* and in *Shumboonath Biswas* v. *Kistodhone Sircar* cited in the second edition of Mr. Thomson's work on Act XIV, pp. 288, 292.

No provision is made in Act XIV for a case where the commencement of a suit is stayed by injunction. Section 13 of the Bill provides (in accordance with the New York Code of Civil Procedure, section 589) that, in such case, the time that the injunction continues is no part of the period limited for the institution of the suit.

Section 14 declares, in accordance with the decision in *Gopal Chunder Ghose* v. *Raj Chunder Dutt*, 2 W. R. Mis. 9, that, in computing the period prescribed for a suit for possession by an execution-purchaser, the time during which the judgment-debtor has been suing to set aside the sale shall be excluded.

Section 15, in accordance with English cases, declares that when a person who would, if alive, have a right to sue, dies before the accrual, time shall begin to run as soon as he is represented in interest. So, where a person against whom, if alive, a right to sue would have accrued, dies before the accrual, time will begin running when there is a representative whom the plaintiff may sue.

Section 16—as to the effect of fraud—is equivalent to Act XIV of 1859, section 9.

Section 17—as to the effect of an acknowledgment or promise in writing—settles, by the explanation and illustrations added thereto, several doubts which have arisen on the corresponding section (4) of Act XIV. It declares, in accord with the English case of *Edmonds* v. *Downes*, 2 C. & M. 459, 463, that where the acknowledgment is undated, oral evidence may be given of the time it was signed. But it also declares (herein contravening *Haydon* v. *Williams*, 7 Bing. 163) that when the acknowledgment is destroyed or lost, oral evidence of its contents shall not be received. It declares, in the 'explanation,' that an acknowledgment may be sufficient though it omits to specify the exact amount of the debt, or avers that the time for payment has not come, or sets up limitation as a bar, or is accompanied by a refusal to pay, or is coupled with a claim to a set-off, or, lastly, is addressed to any person other than the creditor.

Doubts have arisen as to how limitation should be applied when, after the institution of a suit, a new plaintiff or defendant is substituted or added. Section 18 contains rules on this subject, which accord with the decisions in 6 W. R. 298 and 10 W. R. 317.

Section 19 states the rules of English law as to the computation of time, (1) where there are successive breaches of contract, and (2) where a breach of contract or a nuisance is continuing.

Section 20 embodies the English law as to suits for compensation for a lawful act which from subsequently causing damage, becomes unlawful.

When a decree directs payment to be made by instalments at specified dates, section 21 declares (in accordance with two decisions of the Bombay High Court) that, for the purpose of computing the time within which application may be made to enforce each instalment, the date when it becomes due shall be deemed the date of the decree.

Section 22 (also in accordance with a decision of the Bombay High Court) provides that in the absence of evidence to the contrary, an instrument made by a Native shall, for the purposes of the Limitation Act, be deemed to be made with reference to the calendar ordinarily employed by him.

Except in the Bombay Presidency (see Bombay Regulation V of 1827, section 1, clause 1) Indian statute-law contains no distinct enactment on the subject of the acquisition of title by prescription. Part IV of the Bill attempts to supply this want. It begins (section 23) by defining what constitutes adverse possession by a claimant of land or of an hereditary office. It then declares (section 24) how long the possession of a tenant, an agent or a servant shall be deemed the possession of his landlord, principal or master, and it concludes (section 25) by providing, in accordance with the New York Civil Code, section 441, and with 3 & 4 Wm. IV., c. 27, section 34, that adverse uninterrupted possession for the period limited in the case of any suit for the recovery of property confers a title thereto which is sufficient against all.

Part V of the Bill contains some miscellaneous provisions. Section 26 declares that suits against express trustees and their representatives, for the purpose of following trust-property, shall not be barred by any lapse of time. The section has been so framed as to preclude its application to cases of implied or constructive trust. Section 27 states the only case in which the Courts of this country can be required to give effect to a foreign rule of limitations. And section 28 declares that suits on contracts entered into abroad shall, here, be subject to the Indian limitation law, part of the *lex fori*. This is in accordance with *Huber* v. *Steiner*, 2 Scott 304.

To the Bill are appended two Schedules. The first comprises all the enactments relating to limitation and extending to British India which have not hitherto been expressly repealed. Of these, the first mentioned, 21 Jac., c. 16, was held in *The East India Co.* v. *Paul* (7 Moo. P. C. C. 85) to extend to India. Act XIV of 1859 is of course repealed, with the exception of one section (15) whose proper place is in the Code of Civil Procedure.

The second Schedule is divided into twelve parts corresponding with the twelve periods of limitation prescribed for the suits, appeals and applications to which the Act extends. Part IV provides a period of ninety days for all suits for acts done in pursuance of enactments in force in British India. Part VII provides a period of two years for suits for all wrongs independent of contract. Part VIII fixes a period of three years for suits on contracts not in writing registered. Where the contract is in writing and registered, the period will (under Part IX) be six years. So in the case of all suits for which no period of limitation is specially provided. Part XI and the first three clauses of Part XII state the law as laid down in Act XIV, section 1, clause 15, and sections 5 and 6. But as there is now nowhere in British India any special provision limiting public claims by Government, the last clause of Part XII proposes, in accordance with Bengal Regulation II of 1805, section 2, to fix a period of sixty years for suits in the name of the Secretary of State in Council.

It is right, in conclusion, to acknowledge the great assistance derived, in framing this Bill, from Mr. Ninian Thomson's work on Act XIV of 1859.

SIMLA,
The 20th September 1870.

J. F. STEPHEN.

WHITLEY STOKES,
Secy. to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd December 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 28 OF 1870.

A Bill for the Registration of Criminal Tribes and Eunuchs.

Preamble.

WHEREAS it is expedient to provide for the registration, surveillance and control of certain criminal tribes and eunuchs; It is hereby enacted as follows:—

Part I.—Preliminary.

Short Title.

1. This Act may be called "The Criminal Tribes' Act, 1870."

Local extent.

This section and section nine extend to the whole of British India: the rest of this Act extends only to the territories respectively under the governments of the Lieutenant-Governors of the North-Western Provinces and the Panjáb and under the administration of the Chief Commissioner of Oudh.

Commencement.

This Act shall come into force on the passing thereof.

Part II.—Criminal Tribes.

Power to declare certain tribes to be criminal.

2. The Local Government may declare any tribe, gang or class of persons reasonably suspected of being addicted to the commission of theft or robbery, and having a fixed place of residence during the whole or any part of the year, to be a criminal tribe, gang or class, and may direct the Magistrate of any District in which such tribe, gang or class, or any part thereof, resides to make a register of the members of such tribe, gang or class in a form to be prescribed by the Local Government.

Register of members of such tribes.

Procedure in making register.

3. Upon receiving such direction, the said Magistrate shall publish a notice in the place where the register is to be made, calling upon all the members of the tribe, gang or class to appear, at a time and place therein specified, before such persons as he appoints, and to give those persons such information as may be necessary to enable them to make the register in the form aforesaid.

Penalties for failing to appear, refusing or giving false information.

Any member of any such tribe, gang or class failing to appear according to such notice, or intentionally omitting to furnish such information, or furnishing, as true, information on the subject which he knows or has reason to believe to be false, shall be deemed guilty of an offence under section one hundred and seventy-four, or one hundred and seventy-six, or one hundred and seventy-seven of the Indian Penal Code, as the case may be.

Charge of register.

4. The register, when made, shall be kept by the officer in charge of such Police Station as the said Magistrate from time to time directs.

Reporting desirable alterations in register.

5. The officer keeping the register shall from time to time report to the said Magistrate any alterations which ought to be made therein, either by way of addition or omission.

Complaints of entries in register.

6. Any person deeming himself aggrieved by any entry made or proposed to be made in such register may complain to the said Magistrate, and the Magistrate shall retain such person's name on the register, or erase it therefrom, or enter it thereupon as he may see fit.

By whom alterations are to be made.

7. When the register has been formed, no alteration shall be made therein except by or by order of the said Magistrate, and he shall write his initials against every such alteration.

Power to make rules binding on registered persons.

8. The Local Government may, with the previous consent of the Governor General in Council, make rules binding upon all persons whose names may, for the time being, be upon such register.

Such rules may prescribe—

1st, the limits within which persons whose names are on the register shall reside;

2nd, conditions as to holding passes, under which such persons may be permitted to leave the said limits; and

3rd, conditions as to answering at roll-call or otherwise, in order to satisfy the said Magistrate, or persons authorized by him, that the persons whose names are on the register are actually present at given times within the said limits.

Penalties for breach of such rules.

Any person violating any of the said rules shall, on conviction before a Magistrate, be punished with rigorous imprisonment for a term which may extend to six months, or with fine, or with whipping, or with all or any two of those punishments.

Arrest of registered person found beyond prescribed limits.

9. Any person so registered, who is found in any part of India beyond the limits so prescribed for his residence, without such pass as may be required by the said rules, may be arrested without warrant by any Police Officer, and taken before a Magistrate, who may order him to be removed to the District in which he ought to have resided, there to be dealt with according to the rules under this Act in force for the time being.

The rules for the time being in force for the transmission of prisoners shall apply to all persons removed under this section.

Part III.—Eunuchs.

Registers of eunuchs and their property.

10. The Local Government shall cause the following registers to be made and kept up by such officer as from time to time it appoints in this behalf:—

(a) A register of the names and residences of all eunuchs residing in any town or place to which the Local Government specially extends this Part of this Act, who are reasonably suspected of kidnapping or castrating children, or of committing offences under the Indian Penal Code, section three hundred and seventy-seven, or of abetting, within the meaning of the same Code, the commission of any of the said offences; and

(b) a register of the property of such of the said eunuchs as, under the provisions hereinafter contained, are required to furnish information as to their property.

Rules for making and keeping up such registers.

The Local Government may from time to time make rules for the making and keeping up and charge of such registers, and may, if it think fit, direct the name of any eunuch to be erased therefrom.

Penalty on registered eunuch appearing in female clothes;

11. Any eunuch so registered who appears in female clothes in any public street or place,

or dancing in public or for hire.

or who dances or plays music, or takes part in any public exhibition, in any public street or place, or for hire in any private house,

shall, upon conviction before a Magistrate, be punished with imprisonment for a term which may extend to two years, or with fine, or with whipping, or with all or any two of those punishments.

Penalty on registered eunuch keeping boy under 16.

12. Any eunuch so registered who has in his charge, or keeps in his house or under his power or control, any boy who has not completed the age of sixteen years, shall, upon conviction before a Magistrate, be punished with imprisonment for a term which may extend to two years, or with whipping, or with both.

Disabilities of registered eunuchs.

13. No eunuch so registered shall be capable—

(*a*) of being or acting as guardian to any minor;

(*b*) of making a gift;

(*c*) of making a will, or

(*d*) of adopting a son.

Power to require information as to registered eunuchs' property.

14. Any officer authorized by the Local Government in this behalf may, from time to time, require any eunuch so registered to furnish information as to all property, whether moveable or immoveable, of or to which he is possessed or entitled, or which is held in trust for him.

Penalty for refusing such information.

Any such eunuch intentionally omitting to furnish such information, or furnishing, as true, information on the subject which he knows or has reason to believe to be false, shall be deemed to have committed an offence under section one hundred and seventy-six or one hundred and seventy-seven of the Indian Penal Code, as the case may be.

Part IV.—Miscellaneous.

Execution of sentences of whipping.

15. All sentences of whipping under this Act shall be executed in manner, and subject to the precautions, prescribed in sections ten and eleven of Act No. VI of 1864.

Bar of suits for acts done *bonâ fide*.

16. No suit or other proceeding shall be maintained against any person in respect of anything done by him in good faith pursuant to this Act.

Indemnity for acting under circular order 18 of 1856 of Judicial Commissioner of the Panjáb.

17. All Magistrates and other persons are hereby indemnified for anything done under the circular order 18 of 1856 of the Judicial Commissioner of the Panjáb, and no suit or other proceeding shall be maintained against any such Magistrate or other person in respect of anything so done.

STATEMENT OF OBJECTS AND REASONS.

Various tribes in the North-Western Provinces, the Panjáb and Oudh carry on theft and robbery systematically. They live quietly for part of the year in their own Districts, but they spend the rest of it in wandering about the country plundering, and on their return divide their gains according to a fixed rule. In the North-Western

Provinces alone, there are twenty-nine tribes who support themselves in the manner above described.

The first object of the present Bill is to provide for the formation of a register of the members of the tribes in question. They will be compelled, by Rules which the Local Government is empowered to make, to reside within certain fixed limits, forbidden to leave those limits without permission, and if found beyond them, apprehended by the Police and sent to the place where they ought to live. Like rules were till lately enforced, with excellent results, in the Panjáb; but the Chief Court has recently decided that these rules were unauthorized by law.

The second object of the Bill is to crush an association of eunuchs in the North-Western Provinces, who carry on a system of unnatural prostitution, and perpetuate their class by kidnapping and castrating boys.

The Bill provides for the registration of the names, residences and property of all eunuchs reasonably suspected of committing these offences; imposes penalties on any registered eunuch who appears in public in female clothes, who dances in public or for hire, or who keeps in his control any boy under the age of sixteen. It also deprives such eunuchs of the power of becoming guardians to minors, of making gifts and wills, and of adopting sons.

J. F. STEPHEN.

The 23rd November 1870.

WHITLEY STOKES,

Secy. to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd December 1870:—

No. 29 OF 1870.

A Bill to repeal the law relating to the General Funds of the Courts of Small Causes at the Presidency Towns.

WHEREAS by Act No. IX of 1850 *(for the more easy Recovery of small Debts and Demands in Calcutta, Madras and Bombay)*, section nineteen, it was (amongst other things) enacted that the fees therein mentioned should be paid over to an account to be termed the General Fund of the Court; and whereas no such payment has ever been made and no such account has ever been opened; and whereas it is expedient that the said enactment should be expressly repealed so far as relates to such payment and account; It is hereby enacted as follows:— Preamble.

1. The following words of the said section are hereby repealed (that is to say): "which fees shall be paid over to an account to be termed the General Fund of the Court." Partial repeal of Act IX of 1850, section 19.

2. All officers and other persons are hereby indemnified for omitting to make such payment or to open or keep such account; and no suit or other proceeding shall be maintained against any such officer or other person in respect of any such omission. Indemnity-clause.

STATEMENT OF OBJECTS AND REASONS.

Act IX of 1850, section 19, provides that the fees received by each of the Courts of Small Causes at the Presidency Towns shall be paid over to a Fund termed the General Fund of the Court. This provision has remained a dead letter: the charges of the Courts have hitherto been defrayed by the State; and the fees in question have always been credited to the State as "Judicial Receipts" or "Law and Justice." It is clearly desirable to render this practice legal and to continue to treat the receipts and charges of the Presidency Courts of Small Causes in the same manner as the receipts and charges of the other Courts in British India. The Bill accordingly repeals the provision above referred to and indemnifies all officers for omitting to obey it.

R. TEMPLE.

The 19th November 1870.

WHITLEY STOKES,

Secy. to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd December 1870:—

No. 30 OF 1870.

A Bill to extend the Prisons' Act, 1870, to Coorg.

FOR the purpose of extending the Prisons' Act, 1870, to Coorg: It is hereby enacted as follows:— Preamble.

1. The said Act shall extend to the territories under the administration of the Chief Commissioner of Coorg, but subject to the following modifications (that is to say):— Extension to Coorg of Act XXVI of 1870.

(*a.*) The preamble and sections one and six shall be construed as if, after the words 'Central Provinces,' the word 'Coorg' were inserted.

(*b.*) Section one shall be construed as if, for the words and figures 'December, 1870,' the words and figures 'January, 1871' were substituted.

STATEMENT OF OBJECTS AND REASONS.

No Jail Code having been laid down for guidance in Coorg, the present Bill, which has been framed at the suggestion of the Chief Commissioner, extends to that Province the recently passed Prisons' Act, No. XXVI of 1870.

F. S. CHAPMAN.

The 18th November 1870.

WHITLEY STOKES,

Secy. to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd December 1870:—

No. 31 OF 1870.

A Bill to authorise the committal of European British subjects by Courts in the Andamans to the High Court at Fort William.

WHEREAS Act No. XXI of 1863 *(to constitute Recorders' Courts for the Towns of Akyab, Rangoon and Moulmein in British Burmah, and to establish Courts of Small Causes in the said towns)*, section forty-one, enacts that European British subjects arrested for, or guilty of, certain offences in the Tenasserim Provinces shall be committed to, and tried by, the Recorder at Maulmain; And whereas the Andaman Islands form part of the said Provinces; And whereas it is expedient that the jurisdiction so given to the Recorder at Maulmain should, so far as regards the said Islands, be transferred to the High Court of Judicature at Fort William; It is hereby enacted as follows:— Preamble.

1. Every European British subject charged in the Andaman Islands with any offence (other than an offence punishable with death under the Indian Penal Code) which a Justice of the Peace is not competent to punish, shall, if there be sufficient grounds for committing him for trial, be committed to, and tried by, the said High Court in the exercise of its ordinary original criminal jurisdiction. European British subject charged in the Andamans with certain offences to be committed to the High Court, Fort William.

2. Act No. XXI of 1863, section forty-one, so far as it relates to the Andaman Islands, is hereby repealed. Act XXI of 1863, section 41, repealed as to the Andamans.

STATEMENT OF OBJECTS AND REASONS.

The Andaman Islands being attached to the Tenasserim Commissionership, under the Burma Recorders Courts' Act (XXI of 1863), section 41, European British subjects charged in those Islands with offences not punishable with death or by a Justice of the Peace, are committed to the Recorder at Maulmain.

As there are now no regular means of communication between the Andamans and British Burma, the present Bill has been prepared in order to transfer the jurisdiction thus conferred from the Recorder of Maulmain to the High Court at Fort William.

The Bill has been prepared at the suggestion of the Superintendent of Port Blair and the Nicobárs.

F. S. CHAPMAN.

The 19th November 1870.

WHITLEY STOKES,

Secy. to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd December 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 32 OF 1870.

A Bill to authorize the extension of the Chaukídárí Act to places where there is no Jamadár of Police.

WHEREAS by Act No. XX of 1856 *(to make better provision for the appointment and maintenance of Police chowkeydars in Cities, Towns, Stations, Suburbs and Bazaars in the Presidency of Fort William in Bengal)*, section two, the Local Government is restrained from extending that Act to any City, Town, Suburb, or Bazaar unless there be therein (or in some other City, Town, Suburb, or Bazaar with which the same may be united as thereinafter provided) a Police station under an officer of a grade not below that of a jamadár; And whereas it is expedient to remove such restriction; It is hereby enacted as follows: Preamble.

1. In Act No. XX of 1856, section two, the following words are repealed (that is to say) "to any City, Town, Suburb, or Bazaar, unless there be therein (or in some other City, Town, Suburb, or Bazaar with which the same may be united as hereinafter provided) a Police station under an officer of a grade not below that of jemadar, nor" Repeal of part of section 2, Act No. XX of 1856.

STATEMENT OF OBJECTS AND REASONS.

The Local Governments are expressly forbidden to extend the Chaukídárí Act (XX of 1856) to any town in which there is not a Police station under an officer of a grade not below that of a jamadár. The recent reductions of the police have greatly diminished the number of stations at which there are jamadárs; and it is often desirable to extend the Act to towns where there are no Government constables, or where, at least, there is no jamadár.

The present Bill therefore proposes to repeal so much of section 2 of the Act as requires that police of a fixed strength must exist in the town before the provisions of the law can be extended thereto. The Bill has been prepared at the suggestion of the Government of the North-Western Provinces, and with the approval of the Governments of Bengal and the Panjáb.

F. S. CHAPMAN.

The 17th November 1870.

WHITLEY STOKES,

Secy. to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th December 1870, and was referred to a Select Committee with instructions to make their report thereon in three months:—

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CRIMINAL PROCEDURE BILL.

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A BILL FOR REGULATING THE PROCEDURE OF THE COURTS OF CRIMINAL JUDICATUE NOT ESTABLISHED BY ROYAL CHARTER.

Preamble. WHEREAS it is expedient to consolidate and amend the law regulating the Procedure of the Courts of Criminal Judicature not established by Royal Charter; It is hereby enacted as follows:—

PRELIMINARY.

Short title. **1.** This Act may be called "The Code of Criminal Procedure."

Local extent. It extends to the whole of British India;

Commencement. And it shall come into force on the first day of *March*, 1871.

Repeal of enactments. **2.** The enactments mentioned in the first schedule hereto annexed are repealed.

References to any of the said enactments made in any Act passed subsequently thereto shall be read as if made to the corresponding section of this Act.

Notifications published and orders made under any section of any Act hereby repealed shall be deemed to have been published and made under the corresponding section of this Act.

Definitions.

Interpretation-clause. **3.** The following words and expressions in this Act have the meanings hereby assigned to them, unless there be something repugnant in the subject or context:—

"Special law." **4.** The words "special law" denote a law applicable to a particular subject.

"Local law." **5.** The words "local law" denote a law applicable only to a particular part of British India.

"Enquired into." "Determined." **6.** The words "enquired into" comprise every proceeding preliminary to trial; and the word "determined" comprises trial and every subsequent proceeding, including the punishment of the offender.

"Written." **7.** The word "written" includes "printed," "lithographed," and "engraved."

"Criminal Court." **8.** The words "Criminal Court" denote every Judge or Magistrate lawfully exercising jurisdiction in criminal cases, whether for the decision of such cases in the first instance, or on appeal, or for commitment to any other Court or officer.

"Court of Justice." **9.** The words "Court of Justice" denote a Judge, as defined in the Indian Penal Code, who is empowered by law to act judicially alone, or a body of Judges empowered by law to act judicially as a body, when such Judge or body of Judges is acting judicially.

"Court of Session." **10.** The words "Court of Session," subject to the limitations in section 18, include the Courts of the Assistant Sessions Judges in the Presidency of Bombay.

"Magistrate of the District." **11.** The words "Magistrate of the District" mean the Chief Officer charged with the executive administration of a District in criminal matters by whatever designation such officer is called.

"Magistrate." **12.** The word "Magistrate" includes all persons exercising all or any of the powers of a Magistrate.

"The powers of a Magistrate." **13.** The words "the powers of a Magistrate" mean the full powers of a Magistrate.

"Any of the powers of a Magistrate." The words "any of the powers of a Magistrate" denote powers less than the full powers of a Magistrate.

"District." **14.** The local jurisdiction of the Magistrate of a District shall, for the purposes of this Act, be deemed a "District;" and the local jurisdiction in a particular part of a District, vested in a Magistrate other than the Magistrate of the District, shall be deemed a "division of a District."

"Division of a District."

"Local limits of a High Court." **15.** The words "local limits of a High Court" mean local limits of the ordinary original criminal jurisdiction of a High Court.

Division of Act. **16.** This Act is divided into eleven Parts relating to the following subject-matters:—

The first Part—to jurisdiction.
The second Part—to proceedings to compel appearance.
The third Part—to inquiry and trial.
The fourth Part—to appeal, reference and revision.
The fifth Part—to execution.
The sixth Part—to evidence.
The seventh Part—to procedure incidental to inquiry and trial.
The eighth Part—to exceptional incidents.
The ninth Part—to pleading.
The tenth Part—to the preventive jurisdiction of Magistrates.
The eleventh Part—to miscellaneous provisions.

PART I.

JURISDICTION.

CHAPTER I.—*Ordinary Jurisdiction of the Courts.*

Offences cognizable by Criminal Courts. **17.** The Criminal Courts of the several grades, according to the powers vested in them respectively by this Act, shall have jurisdiction in respect of offences punishable under the Indian Penal Code, or under any special or local law for the time being in force (except offences which are by any such law made punishable by some other authority therein specially mentioned), and shall be guided by the provisions of this Act in the inquiry into and determination of the offences hereby declared to be within their jurisdiction.

Justices of the Peace not being Magistrates shall also be guided by the provisions of this Act.

By what Courts offences in second schedule are triable. **18.** The offences mentioned in the second schedule hereto annexed shall, subject to the provision contained in the third explanatory note prefixed to the said schedule, be triable by the Courts specified in column seven of the said schedule.

Powers of Court of Session. **19.** The Court of Session may pass the following sentences:—

Death (subject to confirmation by the High Court);

transportation;

imprisonment of either description for a period *not exceeding fourteen years*, including such solitary confinement as is authorized by law;

or fine to an unlimited amount;

or both transportation and fine;

or imprisonment and fine, in cases in which both punishments are authorized by the Indian Penal Code.

In cases in which, according to the Indian Penal Code, forfeiture of property may be adjudged, the Court of Session may adjudge such forfeiture in addition to the sentence.

Powers of Assistant Sessions Judges in Bombay. **20.** In the Presidency of Bombay a Sessions Judge may delegate cases for trial by an Assistant Sessions Judge; and the Assistant Sessions Judge may, in such cases, pass sentences within the following limits:—

Imprisonment for a term not exceeding seven years (including such solitary confinement as is authorized by law), or fine, or both.

If the sentence be one of imprisonment for a term exceeding three years, it shall be passed subject to confirmation by the Sessions Judge.

The Sessions Judge may review and hear appeals against the proceedings of his Assistants, and may confirm and amend (but not so as to enhance or reduce), or may reverse their sentences or orders.

An Assistant Sessions Judge shall not review or hear an appeal against the proceedings of a Magistrate.

Power to appoint, in Bombay Presidency, Joint Sessions Judges. **21.** In the Presidency of Bombay, the Local Government may, with the previous consent of the Governor General in Council, appoint in any District a Joint Sessions Judge, who shall be invested with co-extensive powers and a concurrent jurisdiction with the Court of Session, except that he shall not receive original complaints, but shall transact such criminal business only as he receives from the Sessions Judge of the District.

The Rules and Regulations for the time being in force for the guidance of the Sessions Judge shall apply to the Joint Sessions Judge, and the seal of the Joint Sessions Judge shall be the same as is used by the Sessions Judge of the District.

Powers of Magistrate of the District. **22.** The Magistrate of the District or other officer authorized to exercise the powers of a Magistrate may pass the following sentences:—

Imprisonment not exceeding the term of two years, including such solitary confinement as is authorized by law;

or fine to the extent of one thousand rupees;

or both imprisonment and fine in all cases in which both punishments are authorized by the Indian Penal Code.

Subordinate Magistrates or officers authorized to exercise any of the powers of a Magistrate may pass the following sentences:—

Powers of Subordinate Magistrates, First Class. First Class. Imprisonment not exceeding six months;

or fine not exceeding two hundred rupees;

or both imprisonment and fine in all cases in which both punishments are authorized by the Indian Penal Code.

Second Class. Second Class. Imprisonment not exceeding one month;

or fine not exceeding fifty rupees;

or both imprisonment and fine in all cases in which both punishments are authorized by the Indian Penal Code.

No sentence of solitary confinement, under section 73 of the Indian Penal Code, shall be passed by any Court inferior to an officer exercising the powers of a Magistrate.

Subordination of all Magistrates to Magistrate of District. **23.** Except as otherwise provided in this Act or by any other law for the time being in force, all Magistrates and Subordinate Magistrates shall be subordinate to the Magistrate of the District in which they exercise jurisdiction.

Magistrate may withdraw or refer cases. **24.** The Magistrate of the District, or a Magistrate in charge of a division of a District, may respectively withdraw any criminal case from any Court subordinate to him, and may enquire into or try the case himself, or refer it for enquiry or trial to any other such Court competent to enquire into or try the same.

Power for Bengal Magistrate in charge of Division of District to try certain charges unreferred. **25.** In the Lower Provinces and in the North-Western Provinces of the Presidency of Fort William in Bengal, any Magistrate in charge of a Division of a District may receive and try (without reference by the Magistrate of the District) all or any of such charges as he is now competent to try upon reference by the Magistrate of the District.

CHAPTER II.—*Special Jurisdiction conferred by Government.*

Jurisdiction of Chief Officer in Non-Regulation territory over offences not punishable with death. **26.** In any part of the territories not subject to the general Regulations of Bengal, Madras or Bombay, the Governor General in Council or the Local Government of such territory may invest the chief officer charged with the executive administration of a district in criminal matters, by whatever designation such officer is called, with power to try all offences not punishable with death, and under the provisions of this Act to pass sentence of imprisonment for a term not exceeding seven years, including such solitary confinement as is authorized by law, or fine or both.

His procedure in cases triable by the Court of Session. **27.** Such chief officer shall try as a Court of Session offences which, under the second schedule hereto annexed, are triable by a Court of Session only, and in such trials shall be guided by

the provisions hereinafter contained relating to trials before Courts of Session.

28. The Local Government may invest any person with the powers of a Magistrate or of a Subordinate Magistrate of the first or second class, as described in section 22, with a view to the exercise by such person, within such local limits as the Local Government shall from time to time prescribe, of such powers under this Act or under any special or local law.

Power to invest with powers of Magistrate or Subordinate Magistrate.

29. With the sanction of the Governor General in Council, the Local Government may delegate, with such limitations as it thinks proper, to any officer under its control, the power conferred upon it by section 28.

Local Government may delegate its power of appointing Magistrates.

30. The Local Government may, by notification in the official Gazette prescribe the local jurisdiction of a Magistrate of the District as defined by section 11, and may by such notification from time to time alter such jurisdiction.

Power to determine local jurisdiction of a Magistrate of District.

31. The Local Government may invest any Magistrate with the local jurisdiction in a particular part of a District declared by section 14 to be deemed a Division of a District, and may from time to time alter the limits of such local jurisdiction.

Power to invest Magistrates with local jurisdiction.

32. The Local Government may, with such limitations as it thinks proper, invest any Magistrate in charge of a Division of a District or any officer exercising the full powers of a Magistrate, with the authority conferred on the Magistrate of the District by sections 24, 94, 368, 458, 466 and 471.

Power to invest certain officers with powers of Magistrate of District.

33. The Local Government may empower any Subordinate Magistrate of the first or second class not invested with such power by any law for the time being in force, to hold the preliminary enquiry into cases triable by the Court of Session, or by any High Court, and may empower him to commit, or hold to bail, persons to take their trial before such Court of Session or High Court, and to exercise all the powers necessary for such purpose.

Subordinate Magistrate may be empowered to hold preliminary enquiry and to commit to Court of Session or High Court.

34. The Local Government may, by notification in the official Gazette, define what Magistrates or Subordinate Magistrates shall entertain cases either on complaint preferred directly to themselves or on the report of a Police officer; and such Magistrates or Subordinate Magistrates shall be competent to entertain such cases, if the offence charged is triable by them or if they shall have been empowered under section 33.

Local Government to define what Magistrates and Subordinate Magistrates shall be empowered to entertain complaints preferred directly to themselves or on report of Police.

35. The Magistrate of the District may, subject to the orders of the Local Government, empower any Magistrate or Subordinate Magistrate, in his District to entertain cases either on complaint preferred directly to themselves or on the report of a Police officer.

Magistrate of District may invest any Magistrate or Subordinate Magistrate with powers described in section 33.

36. The Local Government may vary or cancel any powers with which any person may have been invested under this Act or any enactment hereby repealed.

Powers may be varied or cancelled.

37. When, in consequence of the office of the Magistrate of a District becoming vacant, any officer succeeds temporarily to the chief executive administration of the District in criminal matters, such officer shall, pending the orders of the Local Government, exercise all the powers and perform all the duties of the Magistrate of the District.

Succession to vacancies in the office of the Magistrate of a District.

38. Whenever any person holding an office in the service of Government, who has been invested with any powers under this Act or any enactment hereby repealed in any District, is transferred to an equal or higher office of the same nature within another District, he shall, unless the Local Government otherwise directs, continue to exercise the same powers in the District to which he is so transferred.

Continuance of powers of officers transferred.

39. When two or more persons authorized to exercise all or any of the powers of a Magistrate sit together for the despatch of business in any place, any summons, warrant or process or other proceeding, and any order, judgment, finding or sentence, signed by any two or more of them, shall be as valid to all intents and purposes as if it were solely signed, when the powers of one or more of them are higher than the powers of the others or other of them, by such one of them as has, or by one of such of them as have, been invested under section 28 with the highest of such powers, or, when their powers are equal, by any one of them.

Validity given to process, &c., signed by Magistrates in Petty Sessions.

40. All sentences heretofore passed by any Magistrates sitting together as aforesaid, shall be deemed to be as valid as if this Act had then been passed.

Sentences heretofore passed by Magistrates in Petty Sessions to be valid.

CHAPTER III.—*Jurisdiction as to Persons.*

41. The Criminal Courts shall have jurisdiction over all persons, except such persons as, by any Act of Parliament, or by any Regulation of the Codes of Bengal, Madras and Bombay, respectively, or by this Act or any other Act of the Governor General of India in Council, are, or shall be, exempted from their jurisdiction.

Criminal Courts to have jurisdiction over all persons, except those exempted by law.

42. No person shall, by reason of place of birth, or by reason of descent, be exempt from the rules of criminal procedure contained in this Act:

No exemption from Act by reason of birth or descent.

Provided that nothing in this section shall be held to authorize the trial or commitment for trial before any Criminal Court of any person who, in respect of the offence with which he is charged, is not subject to the jurisdiction of that Court.

Proviso.

43. The Magistrate of the District, or any other officer exercising the powers of a Magistrate, may hold the preliminary enquiry into any cases triable by a High Court and may commit or hold to bail persons to take their trial before such Court, and may exercise all the powers necessary for such purpose.

Commitment for trial before High Court.

44. Any Justice of the Peace may, and no other person shall, commit, or hold to bail, any European British subject to take his trial before a High Court.

Only Justices of the Peace to commit European British subjects.

45. When a European British subject is charged with an offence triable by a High Court, any Magistrate, or any subordinate Magistrate if he is empowered under section 33, but not otherwise, may hear the complaint against such person, and may issue a warrant of arrest, or hold to bail such person, with a view to the complaint being investigated by a Justice of the Peace.

Procedure when European British subject charged with offence triable by High Court.

46. When a European British subject has been arrested under a warrant issued under section 45 by a Magistrate not being a Justice of the Peace, if such Magistrate considers that there is sufficient ground for proceeding, he shall forthwith forward the person arrested to a Justice of the Peace, or, if the offence with which such person is charged is bailable and if sufficient bail be tendered, shall admit him to bail for his appearance before a Justice of the Peace.

When the person accused is brought or appears before a Justice of the Peace under this section, such Justice of the Peace shall himself hold the preliminary enquiry into the case, before he commits, or holds to bail, such person for trial before the High Court.

Procedure when European arrested under warrant of Magistrate not a Justice of the Peace.

47. Every person exercising the full powers of a Magistrate, and being also a Justice of the Peace, shall have power to enquire into and determine in a summary way complaints of offences committed by a European British subject outside the local limits of the ordinary original criminal jurisdiction of the High Courts, and on which a summons ordinarily issues in the first instance, and, in case of conviction, to inflict on the offender a fine not exceeding five hundred rupees, and, in default of payment, imprisonment for a term not exceeding two months, in some place of confinement within the District, which, in the opinion of the Magistrate, is fit for receiving such offender, or, if there be no such place, then in the Presidency gaol.

Summary jurisdiction over European British subjects.

48. All European and other subjects of Her Majesty,

and all persons who within a year before or after the commission of the offence with which they are charged have dwelt for six months within British India,

who are apprehended within British India or delivered into the custody of a Magistrate within British India wherever apprehended,

shall be amenable to the law for all offences committed by them within the territory of any Foreign Prince or State included within or adjacent to any part of British India, and may be bailed or committed for trial as hereinafter provided, on the like evidence as would warrant their being held to bail or committed for the same offence if it had been committed within British India.

Amenability of certain persons for offences in Native States.

49. The committing Magistrate, immediately before the trial, shall report every such case to the Local Government, and shall obey the orders which he receives thereon.

Report of case to Government.

50. The Local Government may order the trial to be had before one of the established Courts of Criminal Judicature, which would be competent to try the person charged for the offence, if it had been committed within British India.

Power to order trial before Court.

51. When the offence is charged to have been committed in the territory of any Foreign Prince or State, administered by officers acting under the authority of Her Majesty, in which territory a Court competent to try the person charged for the offence is established by authority of the Governor General of India in Council, the Local Government may order such person to be conveyed in custody, out of British India, for the purpose of delivering him up for trial before such Court.

Power to send offender for trial out of British India.

52. When the person charged is committed, the form of the warrant shall specify the commitment to be until the orders of the Local Government can be received and acted on;

when he is bailed, the form of the bail-bond shall be, in the first instance, to appear before the Magistrate on a certain day assigned, allowing reasonable time for receipt of the orders of the Local Government, and on such subsequent days as the Magistrate from time to time requires;

and if the Local Government shall order the person charged to be tried within the Presidency, the Magistrate may cause the bail-bond to be renewed in the usual form, to appear and take his trial at the Court appointed for the purpose.

Form of warrant and bail-bond.

53. In either case, the special order of the Local Government shall be deemed full authority, either for the trial and punishment of the person charged within British India, or for conveying him in custody out of British India as aforesaid.

Order of Government sufficient authority.

54. The authority given to the Local Government by sections 48 to 53 (inclusive) may be also exercised by any Commissioner or other person acting in the Civil Service of Her Majesty, to whom the Governor General in Council delegates authority to receive reports and give orders in cases within section 48.

Delegation of power given to Local Government.

CHAPTER IV.—*Where Offences shall be tried.*

55. Except where otherwise expressly provided by this Act, every offence shall be enquired into and determined in the District in which the offence was committed;

Trial to be ordinarily in district where offence committed.

Proviso as to European British subjects.

Provided that nothing in this section shall exempt European British subjects from being tried and convicted before the High Courts for offences committed beyond the local limits of such Courts.

Accused triable in district where act done, or where consequence ensues.

56. When a person is accused of the commission of any offence by reason of anything which has been done, and of any consequence which has ensued, such offence may be enquired into or determined in any District in which any such thing has been done or any such consequence has ensued.

Trial of abetment.

57. The abetment of an offence, wherever such abetment has taken place, may be enquired into or determined in any District in which the offence abetted may be enquired into or determined by any Court having jurisdiction to try such offence, as if the abetment had been committed at the same place at which the offence abetted was wholly or partly committed;

or the abetment may be enquired into or determined in any District within which the abettor has done anything for abetting the commission of such offence.

Offence committed on boundary of district.

58. When any offence is committed on the boundary or boundaries of two or more Districts, whether subject to the same Local Government or not,

Offence begun in one district and completed in another.

or is begun in one District and completed in another, whether such Districts be subject to the same Local Government or not,

such offence may be enquired into or determined in any of such Districts, in the same manner as if it had been actually and wholly committed therein.

Offence committed during journey or voyage.

59. When any offence is committed on any person, or on, or in respect of, any property in or upon any coach, cart, or other carriage or conveyance, or upon any beast of burden employed in any journey,

or is committed on any person, or on, or in respect of, any property on board any vessel employed on any voyage or journey upon any navigable river, canal, or inland navigation,

such offence may be enquired into or determined in any District through any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel, has passed in the course of the journey or voyage during which such offence has been committed, in the same manner as if the offence had been actually and wholly committed in such District;

and in all cases where the side, middle or other part of any highway, or the side, bank, middle or other part of any such river, canal, or navigation, constitutes the boundary of any two Districts, such offence may be enquired into or determined in either of such Districts, through or adjoining to, or by the boundary of, any part whereof such coach, cart, carriage, conveyance, beast of burden or vessel, has passed in the course of the journey or voyage during which such offence has been committed, in the same manner as if it had actually and wholly been committed in such District.

Receiving, &c., stolen property.

60. If any person is charged with any offence punishable under section 411, 412 or 414 of the Indian Penal Code, under the head "Of the receiving of stolen property," such offence may be enquired into or determined in any District in which such person has, or has had, such stolen property in his possession, or in any District in which the offence by which such property came to be stolen property within the meaning of the said Code, may be enquired into or determined.

Concealment, &c., of kidnapped person.

61. If any person be charged under section 368 of the Indian Penal Code, with the offence of wrongfully concealing or keeping in confinement a person who has been kidnapped or abducted, such offence may be enquired into or determined in any District in which the concealment or confinement has taken place, or in any District in which the kidnapping or abduction may be enquired into or determined.

Thuggee, dacoity.

62. Whenever any person is charged with being a thug,

or with murder as a thug,

or with dacoity with or without murder,

or with having belonged to a gang of dacoits,

or with having belonged to any wandering or other gang of thieves associated for the purpose of habitually committing theft or robbery and not being a gang of thugs or dacoits,

the offence may be enquired into in any District in which the accused person happens to be when charged or arrested, by any Magistrate competent to commit to a Court of Session,

and the accused person may be committed to the Court of Session to which such Magistrate is subordinate.

Escape from lawful custody under sentence.

63. If any person escapes from any custody in which he is lawfully detained in pursuance of a sentence of a Court of Justice, or by virtue of a commutation of such sentence,

or is charged with any offence punishable under section 227 of the Indian Penal Code, or under section 12 of Act No. XXIV of 1855 *(relating to Penal Servitude)*,

the offence may be enquired into or determined, either in the District in which such person is apprehended and re-taken, or in the District in which he was formerly tried, or, in the case of an escape from custody, in the District in which he has escaped from custody.

High Court to decide, in case of doubt, District where an enquiry shall take place.

64. Whenever any doubt arises as to the District in which any offence should be enquired into or determined, the High Court within whose jurisdiction the offender is apprehended may decide in which District the offence shall be determined.

High Court may transfer case or direct trial in district other than that in which offence committed.

65. The High Court may order the transfer of any particular criminal case or appeal from a Criminal Court subordinate to its authority, to any other such Criminal Court of equal or superior jurisdiction,

or may order that any offence shall be enquired into or determined in any District or division of a District, other than that in which the offence has been committed,

whenever it appears to such High Court that such order will promote the ends of justice, or tend to the general convenience of the parties or witnesses.

PART II.

PROCEEDINGS TO COMPEL APPEARANCE.

CHAPTER I.—*Preliminary Enquiry by Police.*

Magistrate may direct enquiry.

66. Any Magistrate may, upon the report of a Police officer or otherwise, direct enquiry to be made by a Police officer into any offence punishable under the Indian Penal Code or under any special or local law.

Police to make enquiry into certain offences only when ordered by Magistrate.

67. Any Police officer may, without an order from a Magistrate, enquire into and take cognizance of the offences described in column three of the second schedule annexed to this Act as offences for which a Police officer may arrest without warrant, but he shall not, without such order, enquire into or take cognizance of any other offences except as hereinafter provided.

Saving of powers vested in Police by special or local law.

68. Nothing in section 67 shall be held to interfere with the exercise of any powers vested in a Police officer by any special or local law, or with the performance of any duty which is imposed upon a Police officer by any such special or local law.

All persons to give information of certain offences.

69. Every person aware of the commission of any offence made punishable under sections 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459 or 460 of the Indian Penal Code, shall give information of the same to the nearest Police officer, whenever such person has reason to believe that, if such information be withheld, the offender may not be brought to justice, or may have his escape facilitated.

Complaint to Police to be in writing.

70. Every complaint or information preferred to an officer in charge of a Police station shall be reduced into writing, and the substance thereof shall be entered in a diary to be kept by him in the form prescribed by the Local Government.

Upon complaint preferred, Police officer in charge to proceed in person or depute officer to make enquiry.

71. Upon complaint or information being preferred to an officer in charge of a Police station of the commission, within the limits of such station, of any of the offences specified in column three of the second schedule hereto annexed as offences for which Police officers may arrest without warrant, he shall send immediate intimation to the Magistrate of the District or the Magistrate in charge of a division of the District, and shall proceed in person or shall depute one of his subordinate officers to proceed to the spot to enquire into the facts and circumstances of the case, and to take such measures as may be necessary for the discovery and apprehension of the offender.

Preliminary enquiry.

Any Magistrate, on receiving intimation of the commission of any such offence, may at once proceed, or depute an officer exercising any of the powers of a Magistrate to proceed, to hold a preliminary enquiry into or otherwise to dispose of such case in the manner provided in this Act.

Where local enquiry dispensed with.

72. Provided that, when any complaint is made against any person by name and the case is not of a serious nature, the officer in charge of a Police-station need not proceed in person or depute a subordinate officer to make an enquiry on the spot, unless such local enquiry appears to be necessary.

Where Police officer in charge sees no sufficient ground for enquiry.

73. Provided also that, if it appear to the officer in charge of a Police-station that there is no sufficient ground for entering on an enquiry, or that the immediate apprehension of the accused is not necessary for the ends of justice, he shall not proceed in the case, but shall report the substance of the complaint or information for the orders of the Magistrate having jurisdiction.

Police officer's power to summon witnesses.

74. An officer in charge of a Police-station may, by an order in writing, require the attendance before himself of any person being within the limits of his station, who, from the statement of the complainant or otherwise, appears to be acquainted with the facts and circumstances of any case into which he is enquiring under section 71, and such person shall obey such requisition.

Oral examination of witnesses by Police.

75. An officer in charge of a Police-station or other Police officer making an enquiry may examine orally any person supposed to be acquainted with the facts and circumstances of the case, and may reduce into writing any statement made by the person so examined.

Proviso.

No statement so reduced into writing shall be signed by the person making it, nor shall it be treated as part of the record nor used as evidence.

No inducement to be offered to confess.

76. No Police officer or other person shall offer any inducement to an accused person by threat or promise or otherwise to make any disclosure or confession.

Police not to record statement or confession.

77. No Police officer shall record any statement or any admission or confession of guilt, which may be made before him by a person accused of any offence:

Proviso.

Provided that nothing in this section shall preclude a Police officer from reducing any such statement or admission or confession into writing for his own information or guidance.

Confession to Police not to be used as evidence.

78. No confession or admission of guilt made to a Police officer, shall be used as evidence against a person accused of any offence.

Confession made while accused is in custody not to be used as evidence.

79. No confession or admission of guilt made by any person whilst he is in the custody of a Police officer, shall be used as evidence against such

person, unless it be made in the immediate presence of a Magistrate.

So much of statement made by accused as relates to fact thereby discovered may be received.

80. Provided that, when any fact is deposed to in evidence as discovered in consequence of information received from a person accused of any offence, or in the custody of a Police officer, so much of such information, whether it amounts to a confession or admission of guilt or not, as relates distinctly to the fact thereby discovered may be received in evidence.

Enquiry by Police.

81. If the person arrested appears from the information obtained to have committed the offence charged, and the offence is not bailable, the officer in charge of the Police-station shall forward him under custody to the Magistrate having jurisdiction in respect of the offence, and shall bind over the prosecutor and witnesses to appear on a fixed day before such Magistrate.

When any subordinate Police officer has made any enquiry under this chapter, he shall, if so required by the officer in charge of the Police-station, submit a report of such enquiry to him, or he may do so without such requisition, and the officer in charge of the Police-station shall then proceed as if he had made the enquiry himself.

Accused not to be detained by Police more than twenty-four hours without special authority.

82. No Police officer shall, without the special order of a Magistrate, detain an accused person in custody for a longer period than, under all the circumstances of the case, is reasonable; and such period shall in no case exceed twenty-four hours.

If the enquiry has not been completed within twenty-four hours, and if there are grounds for believing that the accusation is well founded, the officer in charge of the Police-station shall forward the accused person to the Magistrate, with a short despatch stating the offence for which he has been arrested.

Procedure of Police in case of deficient evidence.

83. If it appears to the officer in charge of the Police-station that there is not sufficient evidence or reasonable ground of suspicion to justify the transmission of the accused person to the Magistrate, such officer shall release the accused person on bail, or on his own recognizance, to appear when required, and shall submit a report of the case for the orders of the Magistrate.

Daily record of proceedings.

84. A Police officer making an enquiry under this chapter, shall day by day enter his proceedings in a diary, setting forth the time at which the complaint or other information reached him, the time at which he began and closed his enquiry, the place or places visited by him, and a statement of the circumstances elicited by his enquiry.

He shall forward day by day a copy of such diary to the District Superintendent of Police, who shall without delay bring to the notice of the Magistrate of the District any part of such diary which he considers it to be important that such Magistrate shall know.

The Magistrate of the District may call for and inspect such diary.

In cases where there is no District Superintendent of Police, the Police officer shall forward day by day a copy of the diary to the Magistrate of the District.

Such diary shall not be evidence of the facts stated therein, except against the Police officer who made it.

Report of Police officer.

85. The enquiry shall be completed without unnecessary delay, and, as soon as it is completed, the Police officer making the same shall forward to the Magistrate a report in the form prescribed by the Local Government, setting forth the names of the parties, the nature of the complaint, and the names of the witnesses, without any expression of opinion as to the guilt of the accused person, and shall also send to the Magistrate any weapon or article which it may be necessary to produce before him.

The Police officer shall state whether the accused person has been forwarded in custody, or has been released on bail or on his own recognizance.

If the accused person be detained in custody, the Police officer shall state the fact and the cause of his detention.

Admission to bail.

86. A person accused of any offence entered as not bailable in column five of the second schedule hereto annexed, shall not be admitted to bail, if there appear reasonable ground for believing that he has been guilty of the offence imputed to him.

But a person accused of any offence entered as bailable shall be admitted to bail, if sufficient bail be tendered for appearance before the Magistrate having jurisdiction in respect of the offence.

Bail not to be excessive.

Terms of security.

87. The bail to be taken under section 86 shall not be excessive; and the surety or sureties shall bind himself or themselves under a specific penalty to produce the accused person before the Magistrate on or before a fixed day, to answer the complaint.

Prosecutors and witnesses to execute recognizances to appear.

88. Every prosecutor and witness whose attendance before the Magistrate is deemed necessary by the Police officer making the enquiry, shall execute a recognizance in the Form (E) given in the appendix hereto, or to the like effect, for appearance before the Magistrate having jurisdiction in respect of the offence on a fixed day.

Such day shall be the day whereon the accused person is to appear, if he has been admitted to bail, or the day on which he may be expected to arrive at the Court of the Magistrate, if he is to be forwarded in custody.

The officer in whose presence the recognizance is executed shall, after delivering to the prosecutor or one of the witnesses a duplicate thereof, send it with his report to the Magistrate.

No Police officer shall accompany the prosecutor or witnesses on his or their way to the Court of the Magistrate.

Prosecutors and witnesses not to be subjected to restraint.

89. A Police officer shall not subject any prosecutor or witness to restraint or unnecessary inconvenience, nor require him to give any other security for his appearance than his own recognizance,

But if any prosecutor or witness refuses to attend, or to execute the recognizance directed in section 88, the officer in charge of a Police-station may forward him under custody to the Magistrate, who may detain him in custody until he executes such recognizance, or until the hearing before the Magistrate.

Recusant prosecutor or witness may be forwarded in custody.

Police to report apprehensions.

90. Officers in charge of Police-stations shall report to the Magistrate of the District the cases of all persons apprehended within the limits of their respective stations, whether such persons have been admitted to bail or otherwise.

Discharge of person apprehended.

No person who has been apprehended shall be discharged, except on bail or on his own recognizance, or under the special order of a Magistrate.

Police to enquire and report on unnatural and sudden deaths.

91. The officer in charge of a Police-station, on receiving notice or information of the unnatural or sudden death of any person, shall immediately give intimation thereof to the nearest Magistrate, and proceed to the place where the body of such deceased person is, and there in the presence of two or more respectable inhabitants of the neighbourhood, shall make enquiry, and report the apparent cause of death, describing any mark of violence which may be found on the body, and stating in what manner or by what weapon or instrument such mark appears to have been inflicted.

The report shall be signed by such Police officer and other persons or by so many of them as concur therein, and shall be forthwith forwarded to the Magistrate.

When there is any doubt regarding the cause of death, the Police officer shall forward the body, with a view to its being examined, to the nearest Civil Surgeon or other medical officer appointed in this behalf by the Local Government, if the state of the weather and the distance admit of its being so forwarded without risk of putrefaction on the road.

In the Presidencies of Madras and Bombay, the Head of the village shall make the enquiry and report as aforesaid.

Substitute for officer in charge of Police-station during his absence or illness.

92. The powers to be exercised by an officer in charge of a Police-station under this chapter shall be exercised, in the event of his absence or illness, by the Police officer next in rank present at the Police-station, above the rank of a constable.

CHAPTER II.—*Of Complaint in order to the issue of a Summons or Warrant.*

Summons or warrant obtained on complaint.

93. A summons or warrant of arrest may be obtained on a complaint.

Examination of complainant.

94. When, in order to the issuing of a summons or a warrant against any person for any offence, a complaint is made before the Magistrate of the District or a Magistrate authorized to receive such complaint without reference from the Magistrate of the District, such Magistrate shall examine the complainant.

The examination shall be reduced into writing and signed by the complainant, and also by the Magistrate.

Issue of summons or warrant.

95. The Magistrate before whom such complaint is duly made shall, if it appear to him that there is sufficient ground for proceeding, issue his summons, or, in cases in which a warrant may issue, his warrant, for causing the person accused to appear before himself or some other Magistrate having jurisdiction.

Dismissal of complaint.

If in the judgment of the Magistrate before whom the complaint is made there be no sufficient ground for proceeding, he shall dismiss the complaint.

Cognizance of offences without complaint made.

96. Except as is otherwise provided in Part X of this Act, the Magistrate of the District, or a Magistrate in charge of a division of a District, may, without any complaint, take cognizance of any offence which may come to his knowledge and may issue a summons, or, in cases where a warrant may issue, a warrant of arrest, against the person known or suspected to have committed such offence, in the same manner as if a complaint had been made against such person.

Proviso.

The provisions of this section shall not apply to the offences described in chapters XIX, XX and XXI of the Indian Penal Code.

On complaint summons may issue.

97. When a complaint is made before a Magistrate having jurisdiction in the case that any person has committed or is suspected of having committed any offence triable by such Magistrate and punishable with fine only or with imprisonment for a period not exceeding six months, the Magistrate may issue his summons directed to such person requiring him to appear at a certain time and place before such Magistrate to answer to the complaint.

If the Magistrate believes that the accused person is about to abscond, he may, instead of issuing a summons, issue a warrant in the first instance for the arrest of such person.

Warrant to arrest if summons not obeyed.

98. If the person served with a summons does not appear before the Magistrate at the time mentioned in such summons, and the Magistrate is satisfied that such summons was duly served in what the Magistrate deems a reasonable time before the time therein appointed for appearing to the same,

or if it appears to the Magistrate that, after due diligence, the summons could not be served according to the provisions of this Act,

the Magistrate may issue his warrant to apprehend the accused person.

In what cases warrant may issue on complaint.

99. When a complaint is made before a Magistrate having jurisdiction in the case that any person has committed or is suspected of having committed any offence triable by such Magistrate and punishable with imprisonment for a period exceeding six months,

or when a complaint is made before any Magistrate or Subordinate Magistrate or other officer empowered to commit persons for trial before the Court of Session that any person has committed

or is suspected of having committed any offence triable exclusively by the Court of Session or which in the opinion of such Magistrate or officer ought to be tried by the Court of Session,

such Magistrate may issue his warrant to arrest such person, or, if he thinks fit, his summons requiring him to appear to answer such complaint.

100. If the Magistrate sees cause to distrust the truth of the complaint, he may postpone the issuing of process for causing the attendance of the person complained against, and direct a previous enquiry to be made into the truth of the complaint, either by means of any officer subordinate to such Magistrate, or of a local Police officer, or in such other mode as he thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint.

Postponement of issue of process.

If such enquiry is made by means of some person other than an officer exercising any of the powers of a Magistrate or a Police officer, such person shall exercise all. the powers conferred by this Act on an officer in charge of a Police-station, except that he shall have no power to make an arrest.

Dismissal of complaint.

Nothing contained in this section shall prevent the Magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

101. It shall be in the discretion of the Magistrate, in issuing his warrant for the arrest of any person against whom a complaint has been made, to direct by endorsement on the warrant that, if he be willing and ready to give bail in a sum to be fixed by the Magistrate for his appearance before the Magistrate to be named in the warrant on a specified day to answer the complaint, the officer to whom the warrant is directed shall accept such bail, and shall release from custody the person complained against.

Magistrate may direct bail to be taken.

In the event of bail being given, the officer shall forward the bail-bond to the Magistrate.

Bail-bond to be forwarded.

102. Whether a warrant or a summons be issued, the Magistrate may, if he sees sufficient cause, dispense with the personal attendance of the accused person and permit him to appear by an agent duly authorized to act in his behalf.

Magistrate may dispense with personal attendance of accused.

But it shall be in the discretion of the Magistrate at any stage of the proceedings to direct the personal attendance of the accused person.

103. If any person accused of an offence absconds or conceals himself, so that, upon a warrant issued against him, he cannot be found, the Magistrate shall, if satisfied that he absconds or conceals himself for the purpose of avoiding the service of the warrant, issue a written proclamation, requiring him to appear to answer the complaint within a fixed period not less than thirty days.

Proclamation for person absconding.

The proclamation shall be publicly read in some conspicuous place of the town or village in which the accused person usually resides, and shall be affixed on some conspicuous part of his ordinary place of abode, or on some conspicuous place of such town or village.

A copy of the proclamation shall also be affixed on some conspicuous part of the Magistrate's Court-house.

104. The Magistrate may, at the same time, order the attachment of any moveable or immoveable property belonging to the person absconding or concealing himself.

Attachment of property of person absconding.

Such order shall not authorize the attachment of any property out of the jurisdiction of the Magistrate by whom it is made, but it shall authorize the attachment of property in the jurisdiction of any Magistrate by whom the order is endorsed.

The attachment under this section shall, if the property ordered to be attached be land paying revenue to Government, be made in custody through the Collector of the District in whose own reach the land is situate, and, in all other cases, consist of detaining in fact the seizure under the order of the Magistrate by the appointment of a manager and receiver, or by an order prohibiting the payment of rent to the absent person, as the Magistrate deems proper.

If the absent person does not appear within the time specified in the proclamation, the property under attachment shall be declared to be at the disposal of Government, but shall not be sold until the expiration of six months, unless it is of a perishable nature, or the Magistrate considers that the sale would be for the benefit of the owner.

105. When any person whose property has been declared to be at the disposal of Government under section 104, appears or is found within two years after the attachment of the property, and proves to the satisfaction of the Court trying him for the offence of which he was accused, or, if not tried or committed for trial for that offence, to the satisfaction of the Magistrate of the District, that he did not abscond or conceal himself for the purpose of evading justice, such property, or, if the same has been sold, the proceeds thereof, shall be restored to him.

Restoration of forfeited property.

CHAPTER III.—*Of the Summons.*

106. Every summons issued by a Magistrate to an accused person shall be in writing and shall be signed and sealed by such Magistrate, and shall be in the Form (A) given in the appendix to this Act, or to the like effect.

Form of summons.

107. A summons shall ordinarily be issued through a Police officer; but the Magistrate issuing the summons may, if he see fit, direct it to be served by any other person.

Summons by whom served.

108. The summons shall be served on the accused personally, by exhibiting the original and delivering or tendering a copy to him, or, in case the accused person cannot be found, the copy may be left for him with some adult male member of his family residing with him.

Summons how served.

109. When the accused person cannot be found, and there is no adult male member of his family on whom the service can be made, the serving officer shall fix a copy of the

Service when accused cannot be found.

summons on some conspicuous part of the house in which the accused person ordinarily resides.

110. A Magistrate may (notwithstanding such summons), either before the appearance of the accused person as required by such summons, or after default made by him so to appear, issue a warrant of arrest against such person.

Issue of warrant in addition to summons.

111. The Magistrate of the District or a Magistrate in charge of a division of a District, may issue a summons or warrant for the apprehension of any person within such District or division of a District in respect of any offence known or suspected to have been committed by such person in a different District or division of a District, or on the high seas, or in a foreign country, and for which, if committed within the jurisdiction of such Magistrate, he might issue a summons or warrant.

Summons or warrant for offence committed beyond local jurisdiction.

112. The provisions relating to a summons and its service and issue contained in this chapter, shall be applicable to every summons issued under this Act, except summonses to serve as a juror or assessor:

Provisions in this chapter as to form, service and issue of summons applicable to all summonses.

Provided that, when the person summoned is in the service of Government or of any Railway Company, the Court or Magistrate issuing the summons may send the summons to the head of the office in which the person summoned is employed, and such head shall thereupon cause the summons to be served on the person named therein.

CHAPTER IV.—*Of the Warrant.*

113. Every warrant issued by a Magistrate shall be in writing, and shall be signed and sealed by such Magistrate, and shall be in the Form (B) given in the appendix to this Act, or to the like effect.

Form of warrant.

114. A warrant shall ordinarily be directed to a Police officer, but the Magistrate issuing a warrant may, if he see fit, direct it to any other person.

Warrants to whom directed.

115. When a warrant is directed to a person other than a Police officer, any other person may aid in executing such warrant, if the person to whom the warrant is directed be near at hand and acting in the execution of the warrant.

Warrants directed to any person other than a Police officer.

116. A warrant may be directed to several persons, and when so directed, may be executed by all, or by any one or more of such persons.

Warrant to several persons.

117. A warrant directed to a Police officer may also be executed by any other Police officer whose name is endorsed upon the warrant by the officer to whom the warrant is directed.

Warrant directed to Police officer.

118. The Magistrate by whom a warrant of arrest is issued, may attend personally for the purpose of seeing that the warrant is duly executed.

Magistrate issuing warrant may superintend its execution.

The Magistrate may also at any time direct the arrest in his presence of any person for whose arrest he is competent to issue a warrant.

Arrest in presence of Magistrate.

119. Every person is bound to assist a Magistrate or Police officer demanding his aid in the prevention of a breach of the peace,

All persons to assist Magistrate and police in certain cases.

or in the suppression of a riot or an affray,

or in the taking of any other person whom such Magistrate or Police officer is authorized to arrest.

120. A warrant issued by a Magistrate shall ordinarily be executed (unless it be specially otherwise provided) within the jurisdiction of the Magistrate of the District in which it was issued.

Where warrant of Magistrate must be executed.

121. When any person against whom a warrant is issued by a Magistrate escapes, goes into, or is in, any place out of the jurisdiction of the Magistrate issuing such warrant, the warrant may be executed in such place.

Warrant executed in another jurisdiction.

If the person against whom the warrant is issued is arrested in such place, the Police officer or other person executing the warrant shall (subject to the provisions of section 122) take him before the Magistrate of the District, or some other Magistrate within whose jurisdiction the arrest was made.

Procedure in such cases.

If the offence with which the person arrested is charged be bailable, and he is willing and ready to give bail for his appearance before the Magistrate by whom the warrant was issued, the Magistrate before whom he is brought shall take bail of him for his appearance accordingly, and shall release him from custody, and forward the recognizance or other bail-bond to the Magistrate by whom the warrant was issued.

If the offence be not bailable, or if the person arrested be unable to find bail, he shall be forwarded to the Magistrate by whom the warrant was issued.

If the arrest be made within the local limits of a High Court, the person accused, when arrested, shall be taken before the Chief Commissioner of Police or a Police Magistrate.

When arrest made within local limits of High Court.

Such Chief Commissioner or Police Magistrate shall forward the person arrested to the Magistrate by whom the warrant was issued, or, if the offence with which the person arrested is charged be bailable, shall admit him to bail, and shall forward the recognizance or other bail-bond to such Magistrate.

122. If the place of arrest under section 121 be within twenty miles from the place at which the warrant was issued, the person arrested may be taken, in the first instance, before the Magistrate who issued the warrant.

Where arrest made within twenty miles of place where warrant issued.

123. A Magistrate issuing a warrant for the arrest of a person out of his jurisdiction, may direct the warrant to any Magistrate within whose jurisdiction such person is, or is supposed to be, and may send the same by post.

Direction and transmission of warrant for arrest out of issuer's jurisdiction.

On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name thereon, and enforce its execution in the same manner as if the warrant had been originally issued by himself.

Endorsement and execution of warrant.

If the person named in the warrant be apprehended, he shall be carried before the Magistrate who endorsed it, and shall be dealt with by such Magistrate as provided in section 121.

124. A warrant issued under section 121 for execution within the local limits of a High Court, shall be directed to the Chief Commissioner of Police or to a Police Magistrate, who shall proceed in the manner provided in section 121.

Direction of warrants for execution within local limits of High Court.

125. On the arrest of a person for whose apprehension a warrant has been issued under the provisions of section 111, in respect of an offence known or suspected to have been committed in another District or division of a District, the Magistrate who issued the warrant shall, unless he is authorized to complete the enquiry himself, send the person arrested to the Magistrate within the limits of whose jurisdiction the offence is known or suspected to have been committed, or take bail for his appearance before such Magistrate, if the offence of which such person is suspected is bailable.

Magistrate's procedure on arrest under his own warrant for offence committed out of his jurisdiction.

When the Magistrate who issued the warrant cannot satisfy himself as to the Magistrate to whom the person arrested should be sent, the case shall be reported for the orders of the High Court.

126. If the arrest was made under a warrant issued under section 111 by a Magistrate subordinate to the Magistrate of the District, such Magistrate shall send the person arrested to the Magistrate of the District, unless the Magistrate in whose jurisdiction the offence is suspected to have been committed issues his warrant for the arrest of such person, in which case the person arrested shall be delivered to the Police officer or other person executing such warrant, or shall be sent to the Magistrate by whom such warrant was issued.

Procedure where such warrant issued by Subordinate Magistrate.

If the offence of which the person arrested is suspected has been committed in the jurisdiction of another Subordinate Court of the same District, the Magistrate who issued the warrant under section 111 shall send the person arrested to the Magistrate in charge of the division in which the offence was committed.

127. A Police officer or other person executing a warrant of arrest, shall notify the substance of the warrant to the person to be arrested, and, if required to do so, shall show the warrant to such person.

Notification of substance of warrant.

128. In making an arrest, the Police officer or other person executing the warrant shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

Warrant how executed.

129. If a person against whom a warrant of arrest is issued forcibly resists the endeavour to arrest him, the Police officer or other person executing the warrant may use all means necessary to effect the arrest.

Resisting endeavour to arrest.

130. If there is reason to believe that any person against whom a warrant has been issued has entered into, or is within, any house or place, it shall be the duty of any person residing in or in charge of such house or place, on demand of the Police officer or other person executing the warrant, to allow such Police officer or other person free ingress thereto, and to afford all reasonable facilities for a search therein.

Search of house entered by person against whom warrant issued.

131. The Police officer or other person authorized by warrant to arrest a person, may break open any outer or inner door or window of any house or place, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking of door or window.

132. If information be received that a person accused of any offence for which a warrant may issue is concealed in an apartment in the actual occupancy of a woman who, according to the customs of the country, does not appear in public, the Police officer or other person employed to execute the warrant shall take such precautions as may be necessary to prevent the escape of the accused person.

Breaking open zenána.

If the accused person does not deliver himself up, the Police officer or other person authorized to execute the warrant may notify his authority and purpose, and demand admittance.

If after such notification and demand he cannot otherwise obtain admittance, he shall give notice to any woman as aforesaid in such apartment, not being a person against whom a warrant has been issued, that she is at liberty to withdraw, and afford her every reasonable facility for withdrawing, and may then break open the apartment and execute the warrant.

133. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

No unnecessary restraint.

134. The officer or other person executing the warrant shall, without unnecessary delay, bring the person arrested before the Magistrate before whom he is required by this Act to produce him.

Person arrested to be brought before Magistrate.

135. No Police officer or other person shall offer to the person arrested any inducement, by threat or promise or otherwise, to make any disclosure.

Inducements to disclosure or confession.

But no Police officer or other person shall prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

136. The provisions relating to a warrant and its service and issue contained in this chapter, shall be applicable to every warrant of arrest issued under this Act.

Provisions as to warrant and its service and issue applicable to all warrants of arrest.

CHAPTER V.—*Arrest without Warrant.*

137. A Police officer may, without orders from a Magistrate and without a warrant, arrest,—

When Police may arrest without warrant.

First.—Any person who in the sight of such Police officer shall commit an offence specified in column three of the second schedule hereto annexed as an offence for which Police officers may arrest without a warrant.

Secondly.—Any person against whom a reasonable complaint has been made or a reasonable suspicion exists of his having been concerned in any such offence.

Thirdly.—Any person against whom a hue and cry has been raised of his having been concerned in any such offence.

Fourthly.—Any person who is a proclaimed offender.

Fifthly.—Any person found with stolen property in his possession.

Sixthly.—Any person who obstructs a Police officer while in the execution of his duty, and,

Seventhly.—Any deserter from Her Majesty's Army or Her Majesty's Indian Army.

138. Any person known or suspected to have committed an offence for which a Police officer is not authorized to arrest without a warrant, and who refuses on demand of a Police officer to give his name and residence,

Person charged refusing to give his name and residence.

or gives a name or residence which there is reason to believe to be false,

may be detained by such Police officer for the purpose of ascertaining the name or residence of such person and with a view to future proceedings.

139. An officer in charge of a Police-station may, without orders from a Magistrate and without a warrant, arrest or cause to be arrested any person found lurking within the limits of such station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself,

Arrest of vagabonds.

or any person who is a reputed robber, housebreaker, thief, receiver of stolen property knowing it to be stolen,

or who is of notoriously bad livelihood.

140. Every Police officer shall prevent, and he may interpose for the purpose of preventing, the commission of any offence specified in column three of the second schedule hereto annexed as an offence for which Police officers may arrest without a warrant.

Police to prevent certain offences.

141. Every Police officer receiving information of a design to commit any such offence, shall communicate such information to the Police officer to whom he is subordinate, and to any other officer whom it may concern to prevent or take cognizance of the commission of any such offence.

Information of design to commit such offences.

142. A Police officer knowing of a design to commit any such offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if the commission of the offence cannot be otherwise prevented.

Arrest to prevent such offences.

143. A Police officer may, of his own authority, interpose for the prevention of any injury attempted to be committed in his view to any public building, work of art, road, bridge, tank, well, or water-channel,

Injury to public property.

or to prevent the removal or injury of any public land-mark or buoy, or other mark used for navigation.

144. If there is reason to believe that any person liable to arrest under this chapter without a warrant, of whom a Police officer is in search, has entered into or is within any house or place, it shall be the duty of the person residing in or in charge of such house or place, on the demand of such Police officer, to allow ingress thereto, and all reasonable facilities for a search therein.

Ingress to be allowed into house entered by person of whom Police in search.

145. If ingress to such house or place cannot be obtained under section 144, the Police officer authorized to make the arrest shall take such precautions as may be necessary to prevent the escape of the person to be arrested and send immediate information to a Magistrate.

Procedure where ingress not obtainable.

If no warrant can be obtained without affording such person an opportunity of escape, and there is no person authorized to enter without a warrant on the spot, the Police officer may make an entry into such house or place and search therein.

146. A Police officer making an arrest under this chapter shall, without unnecessary delay, take or send the person arrested before the Magistrate having jurisdiction in the case, or before the officer in charge of a Police-station.

Person arrested to be taken before Magistrate or officer in charge of Police-station.

147. When any offence is committed in the presence of a Magistrate, he may order any person to arrest the offender, and may thereupon commit him to custody, or, if the offence is bailable, may admit him to bail.

Offence committed in Magistrate's presence.

148. A Magistrate or officer in charge of a Police-station may command an unlawful assembly to disperse, and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

Unlawful assembly to disperse on order.

149. If a person lawfully arrested under the provisions of this Act escapes or is rescued, the Police officer or other person from whose custody the person arrested has escaped or has

Re-taking of person escaped.

been rescued, may make fresh pursuit, and take him in any place, either within or without the jurisdiction where he was so in custody, and may deal with such person as such Police officer or other person might have done on an original taking.

150. In order to re-take any person, as provided in section 149, the Police officer or other person making such fresh pursuit may adopt the same measures as he might have adopted on the original taking.

Course to be followed in order to re-take.

151. When any officer in charge of a Police-station requires any officer subordinate to him to make without a warrant an arrest which may lawfully be made by such officer without a warrant, he shall deliver to the Police officer required to make the arrest, an order in writing, specifying the person to be arrested, and the offence for which the arrest is to be made.

Procedure when Police officer deputes subordinate to arrest without warrant.

The provisions of sections 119 and 127 to 133 (inclusive) shall apply to every order in writing issued under this section.

152. For the purpose of arresting any person accused of any of the offences specified in column three of the second schedule hereto annexed as offences for which Police officers may arrest without a warrant, a Police officer may pursue any such person into the limits of another Police officer, whether subordinate to the same Magistrate as himself, or to the Magistrate of any other District, and whether such place be under the same Local Government or not.

Police may pursue offenders into other jurisdictions.

153. Any person attending the Court of the Magistrate, although not upon an arrest or summons on a charge made, may be detained by the Magistrate for the purpose of examination, for any offence which from the evidence he may appear to have committed, and may be proceeded against as though he had been arrested or summoned on a charge made.

Detention of offenders attending Court.

PART III.

INQUIRY AND TRIAL.

CHAPTER I.—*Preliminary.*

154. Every person charged before any Criminal Court with an offence may of right be defended by any barrister or attorney of a High Court, or by any pleader duly qualified under the provisions of Act No. XX of 1865, or any other law in force for the time being relating to pleaders.

Right of accused to be defended.

Any such person may, with the permission of the Court (but not otherwise), employ any mukhtár or other person not being a barrister, attorney, or pleader, to assist him in his defence.

155. The place in which the Court of a Magistrate is held for the trial of any complaint or for the purpose of conducting any preliminary investigation into any case triable by a Court of Session or the High Court or any Superior Court, shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them.

Magistrate's Court to be open.

But any such Court may, if it think fit, order that, during the investigation into any particular case triable by a Court of Session or by the High Court, no person shall have access to or be or remain in such room or building without the consent or permission of the Court.

CHAPTER II.—*Cases usually tried by Magistrates upon Summons.*

156. The following procedure shall be observed in cases usually tried by Magistrates upon summons.

Procedure in cases tried upon summons.

157. If upon the day appointed, the accused person appears voluntarily in obedience to the summons in that behalf served upon him, or is brought before the Magistrate by virtue of a warrant, it shall be at the discretion of the Magistrate to admit him to bail, or allow him to be at large upon his personal recognizance, as the Magistrate directs.

Defendant may be admitted to bail or allowed to be at large on his personal recognizance.

If the accused person cannot give bail when required to do so, he shall be committed to custody.

158. If upon the day appointed for the appearance of the accused person, or any day subsequent thereto on which the case may be called on, the complainant does not appear, the Magistrate shall dismiss the complaint, unless for some reason he thinks proper to adjourn the hearing of the same to some other day, upon such terms as he thinks fit.

Non-appearance of complainant.

159. On the appearance of both parties on the day fixed for the trial, the substance of the complaint shall be stated to the accused person, and he shall be asked if he has any cause to show why he should not be convicted.

Substance of complaint to be stated.

If the accused person admit the truth of the complaint, and show no sufficient cause why he should not be convicted, the Magistrate may convict him accordingly.

Conviction on admission of truth of complaint.

160. If the accused person do not admit the truth of the complaint, the Magistrate shall proceed to hear the complainant and such witnesses as he produces in support of his complaint, and also to hear the accused person and such witnesses as he produces in his defence.

Procedure when no such admission is made.

161. Before or during the hearing of any complaint, the Magistrate may adjourn the hearing of the same to a day to be then appointed and stated in the presence and hearing of the party or parties.

Adjournment.

If on the day to which such hearing or such further hearing has been so adjourned, the accused person does not appear, the Magistrate may issue his warrant for the arrest of such person.

If the complainant does not appear the Magistrate may dismiss the complaint.

162. Whenever the Magistrate dismisses the complaint as frivolous or vexatious, he may, in his discretion, by his order of dismissal, award that the complainant shall pay to the accused person such compensation, not exceeding fifty rupees, as to such Magistrate seems just and reasonable.

Compensation in cases of frivolous or vexatious complaints.

In such cases, if more persons than one are accused, the Magistrate may in like manner award compensation not exceeding fifty rupees to each of them.

The sum so awarded shall be recoverable by distress and sale of the moveable property belonging to the complainant, which may be found within the jurisdiction of the Magistrate of the District, and, in default of such distress, by imprisonment of the complainant in the civil jail, for any time not exceeding thirty days, unless such sum is sooner paid.

Recovery of such compensation.

163. If a complainant at any time before a final order is passed in any case under this chapter satisfies the Magistrate that there are sufficient grounds for permitting him to withdraw his complaint, the Magistrate may permit him to withdraw it.

Withdrawal of complaint.

A complaint withdrawn under this section shall not again be entertained.

164. If the Magistrate, in any case tried under this chapter, finds the accused person not guilty, he shall record a judgment of acquittal.

Acquittal.

If the accused person is convicted, the Magistrate shall pass sentence upon him according to law.

Sentence.

When the personal attendance of the accused person during the trial has been dispensed with, the sentence of the Magistrate, if the sentence be for fine only, may be pronounced in the presence of the agent, if the accused person has been permitted to appear by agent, or the accused person may be required to attend to hear such sentence.

CHAPTER III.—*Cases usually tried by Magistrates upon Warrant, and preliminary inquiries before Magistrates in cases triable by the Court of Session.*

165. The following procedure shall be observed in cases usually tried before Magistrates upon warrant and in preliminary inquiries before Magistrates in cases triable by the Court of Session.

Procedure in cases tried upon warrant.

166. When the person against whom the warrant is issued appears or is brought before the Magistrate, or if his personal attendance is dispensed with, when the Magistrate thinks fit, the Magistrate shall take the evidence of the complainant and of such persons as are stated to have any knowledge of the facts which form the subject matter of the accusation and the attendant circumstances.

Examination of complainant and witnesses for prosecution.

167. The complainant and the witnesses for the prosecution shall be examined in the presence of the accused person, or of his agent when his personal attendance is dispensed with and he appears by agent.

Examination to be in presence of accused.

The accused person or his agent shall be permitted to cross-examine the complainant and his witnesses.

Accused may cross-examine.

168. The Magistrate may at any stage of the proceedings summon and examine any person whose evidence he considers essential to the enquiry.

Power of Magistrate to summon and examine any person.

169. The Magistrate may from time to time, at any stage of the enquiry, examine the accused person, and put such questions to him as he considers necessary.

Examination of accused.

It shall be in the option of the accused person to answer such questions.

170. If from the absence of a witness or from any other reasonable cause, it becomes necessary or advisable to defer the examination, or further examination, of witnesses, the Magistrate may, by a written order, from time to time, adjourn the enquiry, and remand the accused person for such time as is deemed reasonable, not exceeding fifteen days:

Adjournment of enquiry and remand.

Provided that, instead of detaining the accused person in custody during the period for which he is so remanded, the Magistrate may discharge him, upon his entering into a recognizance, with or without a surety or sureties, at the discretion of such Magistrate, conditioned for his appearance before the Magistrate at the time and place appointed for the continuance of such examination.

171. When the evidence of the complainant and of the witnesses for the prosecution, and such examination of the accused person as the Magistrate considers necessary, have been taken, the Magistrate, if he finds that no offence has been proved against the accused person, and that there are not sufficient grounds for committing him to take his trial before the Court of Session, shall discharge him.

Discharge of accused.

172. If the Magistrate finds that an offence is apparently proved against the accused person, which falls within the definition in a certain section of the Indian Penal Code, or within one or other of the definitions in several sections of the said Code, and if the Magistrate is competent to try such offence and thinks he ought to try it, he shall prepare in writing a charge against the accused person.

Charge when offence is apparently proved.

173. The charge shall then be read to the accused person, and he shall be asked whether he is guilty or has any defence to make.

Plea.

174. If the accused person have any defence to make to the charge, he shall be called upon to enter upon the same, and to produce his witnesses if in attendance, and shall be allowed to recall and cross-examine the witnesses for the prosecution.

Defence.

175. If the Magistrate finds the accused person not guilty, he shall record judgment of acquittal.

Acquittal.

If the accused person is convicted, the Magistrate shall pass sentence upon him according to law.

Conviction.

176. When evidence has been given before a Magistrate which appears to be sufficient for the conviction of the accused person of an offence which is triable exclusively by the Court of Session, or which, in the opinion of the Magistrate, is one that ought to be tried by the Court of Session, the accused person shall be sent for trial by the Magistrate before the Court of Session.

When defendant to be committed for trial.

If the Magistrate is a Justice of the Peace and the accused person is a European British subject, the Magistrate shall ask the accused person whether he wishes to be tried by the High Court or the Court of Session,

and if the accused person says that he wishes to be tried by the High Court, he shall be sent for trial accordingly.

But if he says that he wishes to be tried by the Court of Session, the Magistrate shall, in his discretion, send the accused person for trial before the Court of Session or the High Court, as the Magistrate thinks fit.

177. When the Magistrate determines to send the accused person before the Court of Session for trial, he shall make a written instrument under his hand and seal, declaring with what offence the accused person is charged, and shall direct him to be tried by such Court on such charge.

Contents of charge.

A copy of this instrument shall be forwarded with the record of the preliminary enquiry to the Court of Session before which the accused person is to be tried, and a copy shall also be sent to the public prosecutor or to the officer appointed to conduct the prosecution.

Copy of charge.

178. As soon as the charge on which the accused person is to be tried has been prepared, it shall be read to him, and a copy or translation thereof shall be furnished to him, if he so require.

Copy of charge to be furnished to accused.

179. The accused person shall be required at once to give in, orally or in writing, a list of witnesses whom he may wish to be summoned to give evidence on his trial before the Court of Session or High Court.

List of witnesses for defence on trial.

It shall be in the discretion of the Magistrate to allow the accused person to give in any further list of witnesses at a subsequent time.

Further list.

180. When a commitment is made to the Court of Session, the record of the Magistrate shall be forwarded to such Court, together with any weapon or other article of property connected with the case.

Record to be forwarded to Superior Court.

When a commitment is made to the High Court, such record and such weapon or other article shall be forwarded to the Clerk of the Crown, and if any part of such record is not in English, a translation thereof in English shall be forwarded therewith.

181. When the preliminary enquiry is concluded, the accused person shall, if he demands them at a reasonable time before the trial, be furnished with copies of the depositions. Such copies shall be made at his expense.

Copies of depositions to be furnished to accused.

182. When the accused person is committed to take his trial before the Court of Session, the Magistrate shall issue an order to the Government Pleader or other officer appointed by the Government to conduct prosecutions before the Court of Session, notifying such commitment, and stating the offence in the same form as the charge.

When commitment made, Magistrate to give notice to Government prosecutor.

Nothing in this section shall preclude the Magistrate, if he thinks fit, from appointing a person other than such Government Pleader or officer to conduct the prosecution.

CHAPTER IV.—*Inquiry by Subordinate Magistrates.*

183. Criminal cases brought before the Magistrate of the District or a Magistrate in charge of a division of a District, either on complaint preferred directly to such Magistrate or on the report of a Police officer, may be referred by such Magistrate to any Magistrate subordinate to him.

Reference of cases to Subordinate District Magistrate.

The reference shall be for enquiry or for trial, if the offence be triable by such Subordinate Magistrate,

or with a view to commitment to the Court of Session if such Magistrate is competent to commit to the Court of Session,

or with a view to commitment to the High Court if such Subordinate Magistrate is competent to commit to the High Court:

Provided that nothing in this section shall prevent any Subordinate Magistrate from entertaining, either on complaint preferred directly to such Magistrate or on the report of a Police officer (in cases in which the Subordinate Magistrate is authorized to receive such report), any case that such Magistrate is, by any law for the time being in force, competent to entertain.

Proviso.

184. When a criminal case is referred under this chapter to a Subordinate Magistrate, the order of reference, if the case has been brought forward on the report of a Police officer, shall be recorded on such report, and all processes issued for causing the attendance of the accused person or the witnesses, shall direct them to attend before such Court.

Record of order of reference.

Processes.

185. In the enquiry into or trial of cases under this chapter, the Subordinate Magistrates shall be guided by the rules herein prescribed for the guidance of the Magistrate of the District in similar cases;

Subordinate Magistrates to follow same procedure as Magistrate.

Police officers and others shall be bound to obey all orders and processes issued in such cases, in like manner as if such orders or processes had been issued by the Magistrate of the District.

186. If, in the course of a trial before a Subordinate Magistrate, the evidence appears to him to warrant a presumption that the accused person has been guilty of an offence which such Magistrate is not competent to try,

Procedure of Subordinate Magistrate in cases beyond his jurisdiction.

or for which he is not competent to commit the accused person for trial,

he shall stay proceedings and submit the case to the Magistrate to whom he is subordinate, or to such other Magistrate having jurisdiction as the Magistrate of the District directs.

The Magistrate to whom the case is submitted shall either try the case himself or refer it to any officer subordinate to him having jurisdiction, or he may commit the accused person for trial.

In any such case, such Magistrate or other officer as aforesaid shall examine the parties and witnesses, and shall proceed in all respects as if no proceedings had been held in any other Court.

But any statement or confession duly made by an accused person in the course of the trial before the Subordinate Magistrate shall be admissible as evidence.

187. Whenever a Subordinate Magistrate having jurisdiction finds the accused person guilty, and considers that he ought to receive a more severe punishment than the Subordinate Magistrate is competent to adjudge, the Subordinate Magistrate may record the finding and submit his proceedings to the Magistrate to whom he is subordinate.

Procedure when Subordinate Magistrate cannot pass sentence sufficiently severe.

Such Magistrate, if he thinks fit, may examine the parties and recall and examine any witness who has already given evidence in the case, and he may call for or take any further evidence, and shall pass such sentence or order in the case as he deems proper, and as is according to law.

Or the Subordinate Magistrate may, if he is empowered to hold the preliminary enquiry into cases triable by the Court of Session and to commit persons to take their trial before such Court, commit the accused person for trial before the Court of Session instead of finding him guilty.

Subordinate Magistrate may commit accused for trial before Court of Session.

CHAPTER V.—*Trial by Court of Session.*

188. Except in the cases referred to in section 421, no Court of Session shall take cognizance of any offence as a Court of original criminal jurisdiction except upon a charge preferred by a Magistrate or other officer specially empowered under this Act or under any other law to make commitments to such Court.

Cognizance of offences by Court of Session in original jurisdiction.

189. When the Court is ready to commence the trial, the accused person shall be brought before it, and the charge shall be read and explained to him, and he shall be asked whether he is guilty of the offence charged, or claims to be tried.

Commencement of trial.

If the accused person pleads guilty, the plea shall be recorded, and he may be convicted thereon.

Plea of guilty.

190. If the accused person refuses to plead, or claims to be tried, the Court shall proceed to choose jurors or select assessors as hereinafter directed, and to try the case.

Refusal to plead, or claim to be tried.

191. In every trial before a Court of Session, the prosecution shall be conducted by the Government Pleader or by some other officer specially empowered in that behalf, and the complainant, if there be a complainant, shall be examined as a witness in the case.

Trial before Court of Session to be conducted by Government Pleader.

192. The examination of the accused person before the Magistrate shall be given in evidence at the trial.

Examination of accused before Magistrate to be evidence.

The attestation of the Magistrate shall be sufficient *primâ facie* proof of such examination, and such attestation shall be admitted without proof of the signature to it, unless the Court sees reason to doubt its genuineness.

Proof of such examination.

193. When the case for the prosecution has been brought to a close, the Court may, if it considers that there are no grounds for proceeding with the trial, record a judgment of acquittal; otherwise the accused person shall be called upon to enter upon his defence, and to produce his evidence.

Acquittal.

Defence.

At the close of the evidence, if any is produced on behalf of the accused person, and if not, at the close of the case for the prosecution, the Court may examine the accused person as hereinafter provided, after which he or his Counsel or agent may address the Court on the subject of such examination.

194. The accused person or his Counsel or agent may, at his option, address the Court at the close of the case for the prosecution, or at the close of any evidence that may be adduced on his behalf.

When accused may address Court.

195. If any evidence is adduced on behalf of the accused person, or if he answers any question put to him by the Court, the prosecutor, or the Counsel or agent for the prosecution, shall be entitled to reply.

Prosecutor's right of reply.

196. If the accused person is acquitted, the Court shall record a judgment of acquittal.

Judgment of acquittal.

If the accused person is convicted, the Court shall proceed to pass sentence upon him according to law.

Sentence.

197. The Court may, in its discretion, from time to time adjourn the trial.

Adjournment.

198. A Court of Session may direct the postponement of a trial, when it is satisfied that such postponement is proper and will promote the ends of justice.

Postponement of trial.

CHAPTER VI.—*Duties of Assessors and Juries in trials by Court of Session.*

199. In all trials before the Court of Session, there shall be either assessors or jurors, of whom lists shall be formed, and who shall be summoned to attend the sittings of the Court of Session, in the manner hereinafter provided.

Trials before Court of Session to be by assessors or jurors.

200. In a trial before the Court of Session, not by jury, the trial shall be conducted with the aid of two or more assessors as members of the Court, who shall be selected by the Judge from the persons summoned to act as assessors.

Trial with aid of assessors.

201. The opinion of each assessor shall be given orally and shall be recorded in writing by the Court, but the decision is vested exclusively in the Judge.

Decision vested in Judge.

202. If, in the course of a trial with the aid of assessors, at any time prior to the finding, any assessor is, from any sufficient cause, prevented from attending through the trial, the trial shall proceed with the aid of the other assessor or assessors.

Procedure when assessor is unable to attend.

If all the assessors are prevented from attending through the trial, the proceedings shall be stayed, and a new trial shall be held with the aid of fresh assessors.

203. The Local Government may order that the trial of all offences or of any particular class of offences before any Court of Session shall be by jury in any District, and such Local Government may *from time to time revoke or alter such order.*

Local Government may order trials before Court of Session to be by jury.

The Local Government may also, if it see fit, direct that, in any District or in any class of offences, the jurors shall, before the trial, be sworn in such form as the Government may prescribe.

Orders passed under this section shall be published in the official Gazette, and in such other manner as the Local Government from time to time directs.

204. In trials by jury before the Court of Session, the jury shall consist of five persons, or of such number, being an uneven number, and not being less than three nor more than nine, as the Local Government, by any general order applicable to any particular District or to any particular classes of offences in that District, directs.

Number of jury.

205. Whenever a trial by jury is to be held, the persons who are to constitute the jury shall be chosen by lot immediately before the commencement of the trial from the jurors who attend in obedience to the summons.

Jurors to be chosen by lot.

206. Before the commencement of a trial by jury the names of the jurors shall be called aloud, and, upon the appearance of each juror, the accused person shall be asked if he objects to be tried by such juror.

Names of jurors to be called.

Objection may then be made to such juror by the accused person or by the Government Pleader or other person appointed to conduct the prosecution, and the grounds of objection shall be stated.

Objections to jurors.

Any objection made to a juror shall be decided by the Court, and the decision of the Court shall be final.

If an objection be allowed, the place of such juror shall be supplied by any other juror attending in obedience to a summons, or, if there be no such juror present, then by any other person present in the Court whose name is on the list of jurors, or whom the Court considers a proper person to serve on the jury, provided no objection to such juror or other person be made and allowed.

207. Any objection taken to a juror on any of the following grounds, if made out to the satisfaction of the Court, shall be allowed :—

Grounds of objection.

(1.) any ground of disqualification within section 357;

(2.) standing in the relation of husband, master or servant, landlord or tenant, to the person alleged to be injured or attempted to be injured by the offence charged, or to the person on whose complaint the prosecution was instituted, or to the person accused;

(3.) being in the employment on wages of either of such persons;

(4.) being plaintiff or defendant against either of such persons in any civil suit,

(5.) having complained against, or having been accused by, either of such persons in any criminal prosecution,

(6.) any circumstance which, in the judgment of the Court, is likely to cause prejudice against, or favour to, either of such persons.

208. The Judge shall not allow any person to serve on the jury, unless such person understands the language in which the evidence is given or interpreted.

Juror to understand the language in which evidence is given or interpreted.

209. The jury shall appoint one of their number to be foreman.

Foreman of jury.

It shall be the duty of the foreman to preside in the debates of the jury, to deliver the verdict of the jury, or to ask any information from the Court that may be required by the jury.

If a majority do not agree in the appointment of a foreman, he shall be named by the Court.

Each juror shall, before the trial, make oath to the following effect :—"I, *A. B.*, do swear [*or* solemnly affirm] that I will truly judge in the case of the prisoner [*or* prisoners] at the bar and give my verdict according to the evidence."

Jurors to be sworn.

210. The same jury, if not objected to, may try, or the same assessors may aid in the trial of, as many accused persons successively as to the Court seems meet.

The same jury or assessors may try in succession several offenders.

211. Whenever, in the opinion of the Court, it is proper and convenient that the jury or assessors should view the place in which the offence charged is said to have been committed, or any other place in which any other transaction material to the enquiry in the trial took place, an order shall be made to that effect, and the jury or assessors shall be conducted in a body, under the care of an officer of the Court, to the place which

View by jury or assessors.

shall be shown to them by a person appointed by the Court.

Such officer shall not suffer any other person to speak to, or hold any communication with, any of the jury or assessors, and they shall, when the view is finished, be immediately conducted back into Court.

212. If, in the course of a trial by jury at any time prior to the finding, any juror, from any sufficient cause, is prevented from attending through the trial,

Procedure when juror becomes unable to attend.

or if any juror absents himself, and it is not possible to enforce his attendance,

a new juror shall be added, or the jury shall be discharged, and a new jury empanelled, and in either case the trial shall commence anew.

213. In a trial by jury, the Judge shall sum up the evidence on both sides.

Summing up evidence.

The jury shall then deliver their finding upon the charge.

A statement of the Judge's direction to the jury shall form part of the record.

In trials not by jury, the ground of the Judge's decision shall be recorded.

214. At the close of the trial, and after the Judge has summed up the evidence as hereinbefore provided, the jury may retire to consider their finding, and it shall be the duty of an officer of the Court not to suffer any person to speak to, or hold any communication with, any member of such jury.

Retirement of jury to consider finding.

215. In any case in which a jury is prepared to deliver their finding, the Judge shall ask the jury whether they are unanimous, and if they are unanimous, their verdict shall be accepted and the accused person shall be acquitted or convicted accordingly.

Procedure where jury are unanimous.

216. If the jury are not unanimous, the Judge may require them to retire for further consideration. After such a period as the Judge considers reasonable, the jury may deliver their verdict although they are not unanimous.

Procedure where jury differ.

217. If a majority of not less than two-thirds agree to convict the prisoner, and if the Judge agrees in their verdict, the prisoner shall be convicted. In any other case he shall be acquitted.

Conviction.

Acquittal.

218. If a trial is adjourned, the jury or assessors shall be required to attend at the adjourned sitting, and at every subsequent sitting, until the conclusion of the trial.

Jury or assessors to attend at adjourned sitting.

219. Criminal trials before the Court of Session in which a European (not being a British subject) or an American is the accused person, or one of the accused persons, shall be by jury.

Jury for trial of Europeans or Americans.

In such case the jury, if such European or American desire it, shall consist of at least one-half of Europeans (whether British subjects or not) or Americans, if such a jury can be procured :

Provided that, in any District in which the Local Government has not ordered that all trials or trial for all offences of the class within which the trial about to take place falls, shall be by jury, such European or American may elect to be tried without jury.

Election to be tried without jury.

220. When a trial is held in which the accused person or one of the accused persons is entitled to be tried by a jury constituted under the provisions of section 219, the Court of Session shall, three days at least before the day fixed for holding such trial, cause to be summoned in the manner hereinafter prescribed as many European or American jurors as are required for the trial, if there be so many on the jury-list of the District.

Summoning and empanelling jurors under section 219.

The Court shall also at the same time in like manner cause to be summoned the same number of other persons named in the revised list, unless such number of such other persons shall have been summoned for jury trials at that session.

From the whole number of persons returned, the jurors who are to constitute the jury shall be taken by lot in the manner prescribed in section 205 until a jury containing the proper number of Europeans or Americans, or a number approaching thereto as nearly as possible, has been obtained.

If a jury containing the requisite number of Europeans and Americans be not obtained, the accused person may elect to be tried by the Judge with the aid of assessors; otherwise he shall be tried by the jury obtained by the means aforesaid.

221. In a trial by jury before the Court of Session of a person not being a European or an American, at least one-half of the jury, if the accused person desire it, shall consist of persons who are neither Europeans nor Americans.

Jury for trial of persons not Europeans or Americans.

222. In any case before the Court of Session, in which a European or American is charged jointly with a person of any other race, such other person shall, if he desire it, be tried separately if the European or American claims to be tried by a jury consisting of at least one-half of Europeans and Americans.

Jury when European or American charged jointly with one of another race.

PART IV.

APPEAL, REFERENCE, AND REVISION.

CHAPTER I.—*Appeal.*

223. Any person convicted on a trial held by an officer exercising powers less than those of a Magistrate, may appeal to the Magistrate of the District or other officer exercising the powers of a Magistrate, who has been empowered by the Local Government to hear such appeals.

Appeals from officers exercising powers less than those of a Magistrate.

224. Any person convicted by any Civil, Criminal or Revenue Court under Part VIII of this Act, chapter III, may appeal to the Court to which decrees or orders made in such Court are ordinarily appealable, subject to the rules provided in sections 232, 233, 234, 236, 237, and 238.

Appeals from convictions by Civil Courts.

Petitions of appeal under this section, if presented to any District Court, must be presented within thirty days from the day on which the sentence or order appealed against is passed.

Appeals from Justices of the Peace.

225. Any person convicted and sentenced by any Justice of the Peace exercising jurisdiction under section 47 or under section 387 or 389, may appeal to the Court of Session of the District in which the trial was held.

Cases appealed under this section shall not be afterwards liable to revision by means of a writ of *certiorari*:

Provided that nothing in this section shall take away the power of quashing any conviction by means of a writ of *certiorari* in any case where there has been such an appeal as aforesaid.

Appeals from Magistrates.

226. Any person convicted on a trial held by the Magistrate of the District or other officer exercising the powers of a Magistrate, or required by such Magistrate or other officer under section 443 or section 444 to give security for good behaviour, may appeal to the Court of Session of the District.

Appeals by persons convicted by officers invested under section 26.

227. Any person convicted on a trial held by any officer invested with the power described in section 26, may appeal to the High Court, and no appeal against such conviction shall lie to the Court of Session.

Appeals by persons convicted by Session Court.

228. Any person convicted on a trial held by a Court of Session may appeal to the High Court.

If the conviction was in a trial held with the aid of assessors, the appeal may be on a matter of fact as well as on a matter of law.

If the conviction was on a trial by jury, the appeal shall be admissible on a matter of law only.

No appeal in case of acquittal.

229. There shall be no appeal from a judgment of acquittal passed in any Criminal Court.

No appeal in petty cases.

230. There shall be no appeal in cases in which a Court of Session or the Magistrate of a District or other officer exercising the powers of a Magistrate passes a sentence of imprisonment not exceeding one month, or of a fine not exceeding fifty rupees.

Time for presenting appeals.

231. Petitions of appeal to any Appellate Court, except the High Court, must be presented within thirty days from the day on which the sentence or order appealed against is passed.

Petitions of appeal to the High Court must be presented within sixty days, calculated as above.

An appeal may be admitted after the time herein provided on sufficient cause shown.

Copy of sentence to accompany petition.

232. Every petition of appeal shall be accompanied by a copy of the sentence or order appealed against.

Rejection of appeal.

233. The Appellate Court may reject the appeal if, on a perusal of the petition of appeal and the copy of the sentence or order appealed against, and after hearing the appellant or his Counsel or agent if they appear, the Court considers that there is no sufficient ground for questioning the correctness of the decision or for interfering with the sentence or order appealed against.

Before rejecting the appeal, the Court may call for and peruse any part of the proceedings of the lower Court, but shall not be bound so to do.

Procedure where appellant in jail.

234. If the party appealing be in jail in pursuance of the sentence or order appealed against, he shall be at liberty to present his petition of appeal and the copy of the sentence or order appealed against, to the Magistrate or other officer in charge of the jail, who shall thereupon forward the petition to the proper appellate authority.

Copy of sentence or order to be furnished.

235. A copy of the final sentence or order passed by any Criminal Court, together with the reasons for passing or making the same, shall be furnished without delay on the application of any party to the case in which such sentence or order was passed.

Such copy shall be made at the expense of the person applying for it, unless he is in confinement under the sentence or order and is desirous of appealing against the same, or unless the Court, for any special reason, sees fit to grant such copy free of expense.

Appellate Court may alter or reverse finding and sentence.

236. The Appellate Court, after perusing the proceedings of the lower Court and after hearing the plaintiff or his Counsel or agent if they appear, may alter or reverse the finding and sentence or order of such Court, but not so as to enhance any punishment that has been awarded.

Suspension of sentence pending appeal.

237. In any case in which an appeal is allowed, the Appellate Court may, pending the appeal, order that the sentence be suspended, and if the appellant be in confinement for an offence which is bailable, may order that he be released on bail; and the High Court may exercise the same authority in cases coming before it as a Court of Revision.

Release of appellant on bail.

Appellate Court may direct further enquiry.

238. In any case in which an appeal has been allowed, the Appellate Court, if it think further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the appellant to be necessary, may direct such enquiry to be made and additional evidence to be taken.

The result of the further enquiry and the additional evidence shall be certified to the Appellate Court, and such Court shall thereupon proceed to dispose of the appeal.

Unless the Appellate Court otherwise directs, the presence of the appellant may be dispensed with when the further enquiry is made or evidence taken.

The provisions of this Act relating to summoning and enforcing the attendance of witnesses and their examination shall, so far as may be, apply to witnesses examined under this section.

Certain findings not reversible on the ground of offence proved being theft.

239. No finding by a Court of the offence of dishonest misappropriation of property under section 403 of the Indian Penal Code,

or of dishonest misappropriation of property possessed by a deceased person at the time of his death under section 404 of the said Code,

or of criminal breach of trust under section 405 of the said Code,

or of criminal breach of trust by a carrier, wharfinger or warehouse-keeper under section 407 of the said Code,

or of criminal breach of trust as a clerk or servant under section 408 of the said Code,

shall be reversed or altered by any Court, whether on appeal or revision, on the ground that the offence proved by the evidence was

the offence of theft under section 378 of the said Code,

or the offence of theft in a building, tent, or vessel under section 380 of the said Code,

or the offence of theft as a clerk or servant of property in the possession of his master under section 381 of the said Code.

Finding of theft not reversible on the ground of offence proved being dishonest misappropriation.

240. No finding by a Court of the offence of theft under the said section 378 of the Indian Penal Code,

or of theft in a building, tent, or vessel, under the said section 380,

or of theft as a clerk or servant of property in the possession of his master under the said section 381,

shall be liable to be reversed or altered by any Court, whether on appeal or revision, on the ground that the offence proved by the evidence was one of the following:—

dishonest misappropriation of property under the said section 403,

dishonest misappropriation of property possessed by a deceased person at the time of his death under the said section 404,

such dishonest misappropriation under the said section, the offender being at the time of the person's decease employed by him as a clerk or servant,

criminal breach of trust under the said section 405,

criminal breach of trust as a carrier, wharfinger or warehouse-keeper under the said section 407,

criminal breach of trust as a clerk or servant under the said section 408:

Saving of power of Appellate Court to reduce punishment.

241. Provided that nothing in sections 239 and 240 shall preclude the Appellate Court, in any case mentioned therein, from reducing the punishment awarded by a lower Court in such case within the limits prescribed for the offence which the Appellate Court considers to have been proved by the evidence against the accused person.

Finding or sentence when reversible by reason of error or defect in charge or proceedings.

242. No finding or sentence passed by a Court of competent jurisdiction shall be reversed or altered on appeal or revision on account of any error or defect, either in the charge or in the proceedings on trial, unless the accused person has been sentenced to a larger amount of punishment than could be awarded for the offence of which, in the judgment of the Appellate Court, he ought upon the evidence to have been found guilty,

or unless, in the judgment of the Appellate Court, he has been prejudiced by such error or defect.

Appellate Court may reduce punishment.

In case the accused person has been sentenced to a larger amount of punishment than could have been awarded for the offence which, in the judgment of the Appellate Court, is proved by the evidence, the Appellate Court may reduce the punishment within the limits prescribed by the Indian Penal Code or any law for the time being in force for such offence.

Procedure in case of conviction by Court not having jurisdiction.

243. When any Court has convicted a person of an offence not triable by such Court, the Appellate Court may annul the conviction and sentence of such Court, and direct the trial of the case by a Court of competent jurisdiction.

Finality of orders on appeal.

244. Except as provided in section 260, sentences and orders passed by an Appellate Court upon appeal shall be final.

Unless otherwise provided, no appeal to lie from order or sentence of Criminal Court.

245. Unless otherwise provided by this Act or by any other law for the time being in force, no appeal shall lie from any order or sentence of a Criminal Court.

CHAPTER II.—*Reference.*

Sentence of death.

246. If the Court of Session pass sentence of death, the sentence shall not be executed without the confirmation of the High Court.

If the accused person is convicted of an offence which by the Indian Penal Code is punishable with death, and the Court sentences him to any punishment other than death, the Court shall, in the statement of trials to be periodically submitted to the High Court as hereinafter required, under the head of "Sentences passed upon the accused persons," state the grounds upon which it remitted the punishment of death.

Constitution of Court for hearing case referred for confirmation of sentence.

247. A case referred to a High Court by a Court of Session for confirmation of a sentence of death shall be heard by a Court constituted by two or more Judges of such High Court.

Power of High Court to confirm sentence or annul conviction.

248. In any case so referred, the High Court may either confirm the sentence or pass any other sentence warranted by law, or may annul the conviction and order a new trial on the same or an amended charge.

If the case has been tried by the Court of Session with the aid of assessors, it shall further be competent to the High Court to acquit the accused person and order his discharge.

Power to acquit.

249. If the case so referred has been tried by the Court of Session with the aid of assessors, the High Court, if it think further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused person to be necessary, may direct such enquiry to be made, or such additional evidence to be taken.

Power to direct further enquiry, &c.

The result of the further enquiry and the additional evidence shall be certified to the High Court, and the High Court shall thereupon proceed to pass judgment of acquittal, or such sentence as it thinks fit.

250. In every case so referred to the High Court, the confirmation of the sentence, or any new sentence or order passed by the High Court, shall be signed by at least two Judges of the Court.

Confirmation or new sentence to be signed by two Judges.

251. When the High Court of reference, revision or appeal, in any part of the territories to which this Code has been extended as aforesaid, consists of a single Judge, he shall have all the powers conferred upon two or more Judges of the High Court by this chapter.

When High Court consists of one Judge.

CHAPTER III.—*Revision.*

252. The High Court may make and issue general rules for regulating the practice and proceedings of that Court and of all Criminal Courts subordinate to it,

Power to High Court to make rules, &c.

for keeping all books, entries and accounts to be kept in such Courts, and

for the preparation and transmission of any calendars or statements to be prepared and submitted by such Courts,

and may also frame forms (when not prescribed by this Act) for every proceeding in the said Courts for which it thinks that a form should be provided, and from time to time may alter any such rule or form:

Provided that such rules and forms be not inconsistent with the provisions of this Act, or of any other law in force.

Any rules framed by the Court under this section shall be published in the official Gazette.

253. The High Court may frame rules consistent with this Act for the conduct of business transacted by any two or more Magistrates sitting together, and may from time to time repeal, alter and add to such rules.

High Court may frame rules.

All such rules, and all repeals and alterations thereof, and additions thereto, shall be published in the local Gazette.

254. The Court of Session shall send to the High Court such periodical statements or calendars of trials held by such Court as the High Court prescribes, exhibiting the offences charged, the offences of which the accused persons are convicted, and the sentences or orders passed upon them.

Calendars of trials by Court of Session.

255. A Court of Session and a Magistrate may at all times call for and examine the record of any Court immediately subordinate to such Court or Magistrate, for the purpose of satisfying itself or himself as to the legality of any sentence or order passed, and as to the regularity of the proceedings of such subordinate Court.

Powers of Court of Session and Magistrate to call for record of subordinate Courts.

If the Court of Session or Magistrate is of opinion that the sentence or order is contrary to law, the Court or Magistrate shall refer the proceedings for the orders of the High Court.

Reference to High Court.

No Court other than the High Court shall alter any sentence or order of any subordinate Court except upon appeal by parties concerned, duly made according to the provisions of Part IV, chapter I of this Act.

256. In the case of offences specified in the seventh column of the second schedule hereto annexed, as triable by the Court of Session only or by the Court of Session or Magistrate of the District, the Court of Session may order the commitment of any accused person who may have been discharged by any Magistrate.

Commitment of person discharged by Magistrate.

In the case of such offences, the Court of Session may order an enquiry into any complaint which any Magistrate may have dismissed without enquiry.

In the case of such offences the Magistrate of the District shall have like powers where the Magistrate who has discharged the accused person or dismissed the complaint without enquiry is a Subordinate Magistrate.

If the Court of Session considers that any person convicted by a Magistrate has committed an offence not triable by such Magistrate, it may annul the conviction and sentence, and direct the commitment of the accused person for trial before itself.

257. The High Court, in any case tried by the Court of Session in which upon a review of the abstract statement or calendar of prisoners punished without reference, it appears that the sentence passed is one which cannot lawfully be passed on a person convicted of the offence as stated in the abstract statement or calendar, shall annul the sentence, and shall certify to the Court of Session the sentence which may lawfully be passed for such offence;

Annulment of illegal sentence.

Thereupon the Court of Session shall pass a new sentence according to law, and shall amend the record in accordance therewith.

258. The High Court, in any case tried before a Court of Session in which, upon a review of the abstract statement or calendar of prisoners punished without reference, it appears that there has been error in the decision of the Court of Session on a point of law, or that a point of law should be considered by the High Court, may call for the record, or such portion thereof as it deems necessary, together with a report of the Judge's direction to the jury, if the case have been tried by a jury,

Revision of trials.

and, upon reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, may determine any point of law arising out of the case, and thereupon pass such order as to the High Court seems right.

259. The High Court may, on the report of a Court of Session or of a Magistrate, or whenever it thinks fit, call for the record of any criminal trial or the record of any judicial proceeding of a Criminal Court, other than a criminal trial, in any Court within its jurisdiction, in which it appears to it that there has been error in the decision on a point of law, or that a point of law should be considered by the High Court, and may determine any point of law arising out of the case, and thereupon pass such order as to the High Court seems right.

General power of revision.

260. The High Court may call for and examine the record of any case tried by any Court of Session for the purpose of satisfying itself as to the legality or propriety of any sentence or order passed, and as to the regularity of the proceedings of such Court.

Power to call for records of Court of Session.

If it appear to the High Court that the sentence passed is too severe, the High Court may pass any mitigated sentence warranted by law.

Mitigation of sentence.

If the High Court is of opinion that the sentence or order is contrary to law, it shall reverse the sentence or order, and pass such judgment, sentence, or order as to the Court seems right, or, if it deems necessary, may order a new trial.

Reversal of sentence.

261. Whenever a case is revised by the High Court under this chapter, it shall certify its decision or order to the Court in which the conviction was had or by which the order was passed; or if the conviction or order was passed by a Magistrate other than the Magistrate of the District, to the Magistrate of the District.

Order on revision to be certified to lower Court or District Magistrate.

The Court or Magistrate to which the High Court certifies its order shall thereupon make such orders as are conformable to the decision of the High Court, and, if necessary, the record shall be amended in accordance therewith:

Provided that, in any case revised by the High Court under this chapter, the High Court shall not reverse the verdict of the jury, or, except as provided in this chapter, alter or reverse the sentence or order of the Court below.

Proviso.

262. No trial held in any Criminal Court shall be set aside, and no judgment passed by any Criminal Court shall be reversed, either on appeal or otherwise, for any irregularity in the proceedings of the trial, unless such irregularity have occasioned a failure of justice.

When trials may be set aside for irregularity.

PART V.

EXECUTION.

263. In cases referred by the Court of Session for the confirmation of a sentence by the High Court, the proper officer of the

Procedure in cases referred to High Court for confirmation.

High Court shall without delay, after the order of confirmation or other order has been made by the High Court, send a copy of the order under the seal of the High Court, and attested with his official signature, to the Court of Session.

Such Court shall, if the sentence be confirmed immediately, issue a warrant to the officer in charge of the jail in which the prisoner is confined, to cause the sentence or order to be carried into execution; or, in the case of any other order, shall cause such order to be carried into effect.

264. In cases tried by the Court of Session, the Court shall forward a copy of its finding and sentence to the Magistrate of the District in which the trial was held.

Court of Session to send copy of finding and sentence to District Magistrate.

If the accused person is sentenced to imprisonment, the Court shall forthwith forward him, with a warrant for the execution of the sentence, to the officer in charge of the jail of the District in which the trial was held.

Warrant of execution.

The warrant shall state the offence of which the accused person has been convicted and the period during which he is to be imprisoned and the nature of the imprisonment.

In cases tried by any Court inferior to a Court of Session, the Court passing the sentence shall forthwith forward the accused person, with a similar warrant for the execution of the sentence, to the officer in charge of the jail of the District in which the trial was held.

Procedure after sentence passed by Court inferior to Session Court.

265. Upon the receipt of a warrant under section 263 or 264, the officer in charge of the jail shall cause the sentence to be executed, and shall return the warrant, when the sentence has been fully executed, to the Court from which it issued, with an endorsement under his signature, certifying the manner in which the sentence has been executed.

Execution of sentence under section 263 or 264.

266. If a prisoner sentenced to punishment is seized with illness or is liable to personal infirmity, such that the execution of the sentence would produce corporal evil of a sort not intended, or is pregnant, the officer whose duty it is to execute the sentence may delay its execution until such illness or infirmity or pregnancy has ceased:

Illness of prisoner.

Provided that, if the illness or infirmity appear to be permanent, he shall report the case to the High Court, and such Court may recall the warrant and issue another containing a sentence of such commuted punishment as it thinks fit.

267. Whenever an offender is sentenced to pay a fine, the Court which sentences him may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender, whether or not the offence be punishable with fine only, and whether or not the sentence direct that, in default of payment of the fine, the offender shall suffer imprisonment.

Levy of fine.

Such warrant may be executed within the jurisdiction of the Court that issued it, and it shall authorize the distress and sale of any moveable property belonging to the offender without the jurisdiction of the said Court when endorsed by the Magistrate of the District in which such property is situated.

268. Whenever a Criminal Court imposes a fine, the Court may order the whole or any part of the fine to be paid in compensation,

Payment of fine in compensation.

(1.) for expenses properly incurred in the prosecution,

(2.) for the offence complained of, where such offence can, in the opinion of the Court, be compensated by money.

Such payment shall be made, as the Court thinks fit, to or for the benefit of the complainant, or the person injured, or both.

If the fine be awarded by a Court whose decision is subject to revision, the amount awarded shall not be paid until a period of two months has elapsed from the date of the award.

269. In every case punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment, the Criminal Courts shall be guided by the provisions of sections 64 and 65 of the Indian Penal Code in awarding the period of imprisonment in default of payment of the fine :

Imprisonment in default of payment of fine.

Provided that, in no such case decided by a Magistrate, shall the period of imprisonment awarded in default of payment of the fine exceed one-fourth of the period of imprisonment which he is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

Proviso as to cases decided by a Magistrate.

270. When the punishment of whipping is awarded in addition to imprisonment, by a Court whose sentence is open to revision by a superior Court, the whipping shall not be inflicted until fifteen days from the date of such sentence, or if an appeal be made within that time, until the sentence is confirmed by the superior Court: but the whipping shall be inflicted immediately on the expiry of the fifteen days, or in case of an appeal immediately on the receipt of the order of the Court confirming the sentence if such order is not received within the fifteen days.

Whipping if awarded in addition to imprisonment, when to be inflicted.

271. In the case of an adult, the punishment of whipping shall be inflicted with such instrument in such mode and on such part of the person as the Local Government directs, and in the case of a juvenile offender, it shall be inflicted in the way of school discipline with a light rattan.

Mode of inflicting the punishment.

In no case, if the cat-of-nine-tails be the instrument employed, shall the punishment of whipping exceed one hundred and fifty lashes, or, if the rattan be employed, shall the punishment exceed thirty stripes.

The punishment shall be inflicted in the presence of a Justice of the Peace, or of an officer authorized to exercise any of the powers of a Magistrate, and also, unless the Court which passed the sentence otherwise orders, in the presence of a Medical Officer.

272. No sentence of whipping shall be carried into execution unless a Medical Officer, if present, certifies, or unless it appears to the Justice of the Peace or other officer present, that the offender is in a fit state of health to undergo the punishment.

Punishment not to be inflicted if offender not in fit state of health.

If during the execution of a sentence of whipping, a Medical Officer certifies, or it appears to the officer present, that the offender is not in a fit state of health to undergo the remainder of the punishment, execution shall be finally stopped.

Stay of execution.

No sentence of whipping shall be executed by instalments.

Nor by instalments.

273. In any case in which, under section 272, no part of a sentence of whipping is carried into execution, the offender shall be kept in custody till the Court which passed the sentence can revise it, and the said Court may, at its discretion, either order his discharge, or sentence him in lieu of whipping to imprisonment for any period, which may be in addition to any other punishment to which he may have been sentenced for the same offence;

Procedure if punishment cannot be inflicted under the last Section.

provided that the whole period of imprisonment shall not exceed that to which the offender is liable under the provisions of the Indian Penal Code, or that which the said Court is competent to award.

274. When a person is convicted at one time of two or more offences punishable under the same or different sections of the Indian Penal Code, the Court may sentence him for the offences of which he has been convicted to the several penalties prescribed by the said Code which such Court is competent to inflict; such penalties, when consisting of imprisonment, to commence the one after the expiration of the other.

Sentence in cases of simultaneous conviction of several offences.

It shall not be necessary for the Court, by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court;

Provided that in no case shall the person be sentenced to imprisonment for a longer period than fourteen years:

Maximum term of imprisonment.

Provided also that, if the case be tried by a Magistrate, the punishment shall not in the aggregate exceed twice the extent of punishment which he is by his ordinary jurisdiction competent to inflict.

275. When sentence is passed on an escaped convict for such escape or for any other offence, the Court may direct the sentence to take effect immediately, or after such convict has suffered imprisonment or transportation, as the case may be, for a further period equal to that which remained unexpired of his former sentence at the time of his escape.

Currency of sentence on escaped convicts.

276. When sentence is passed on a person already under sentence of imprisonment or transportation for another offence, the Court, if the sentence be for imprisonment, shall direct the such imprisonment shall commence at the expiration of the imprisonment or transportation to which such person has been previously sentenced,

Sentence on offender already sentenced for another offence.

or, if he is undergoing a sentence of imprisonment, and the sentence, on such subsequent conviction, be for transportation, the Court may direct that the sentence shall commence immediately, or at the expiration of the imprisonment to which such person has been previously sentenced :

Provided that nothing in this section shall be held to excuse such person from any part of the punishment to which he is liable upon such former or subsequent conviction.

Proviso.

277. When any person is sentenced to imprisonment, the Local Government, or, subject to their orders and under their control, the Inspector General of Jails, may order his removal during the period prescribed for his imprisonment from the jail or place in which he is confined to any other jail or place of imprisonment within the jurisdiction of the same Local Government.

Local Government may order removal of a prisoner from one jail to another.

278. When any person under the age of sixteen years is sentenced by any Magistrate or Court of Session to imprisonment for any offence, such Magistrate or Court may direct that such offender, instead of being imprisoned in the criminal jail, shall be confined in any reformatory recognised by the Local Government as a fit place for confinement, in which there are means of suitable discipline and of training in some branch of useful industry, and which is kept by a person willing to obey such rules as the Government prescribes with regard to the discipline and training of persons confined therein.

Confinement of youthful offenders in reformatories.

All persons confined under this section shall be subject to the rules so prescribed by Government.

279. The Governor General of India in Council may from time to time appoint a place or places within British India to which persons sentenced to transportation shall be sent: the Local Government, or some officer duly authorized by such Government, shall give orders for the removal of such persons to the place or places so appointed; and no sentence of transportation shall specify the place to which the person sentenced is to be transported.

Governor General in Council to appoint places to which persons sentenced may be sent.

Local Government to direct removal of persons sentenced to such places.

280. When sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed for another offence, it shall not be necessary for the Local Government to order his removal from the place in which he is so undergoing transportation.

Sentence of transportation on persons already transported under previous sentence.

281. When any person is sentenced to death, the sentence shall direct that he be hanged by the neck till he is dead.

Sentence of death.

282. When any person has been sentenced to punishment for an offence, the Governor General of India in Council, or the Local Government, may, at any time, without conditions, or upon any conditions which the person sentenced accepts, remit the whole or any part of the punishment to which he has been sentenced.

Power to remit punishment.

The Governor General in Council, or the Local Government, may also, without the consent of the person sentenced, commute any one of the following sentences for any other mentioned after it, death, transportation, penal servitude, imprisonment.

Power to commute punishment.

PART VI.

EVIDENCE.

CHAPTER I.—*General Rules of Evidence.*

283. The rules contained in this chapter shall be applicable to all trials and enquiries before Criminal Courts.

Rules of evidence.

284. The Court shall receive as *primâ facie* evidence the examination of a Civil Surgeon or other medical witness taken and duly attested by the Magistrate.

Evidence of medical witness.

Provided that the Court may summon such Civil Surgeon or other medical witness, if it see sufficient cause for doing so.

285. The examination of a witness taken and attested by the Magistrate in the presence of the accused person may be given in evidence, if the witness be dead, or the Court be satisfied that for any sufficient cause his attendance cannot be procured.

Examination of witness taken by Magistrate, when admissible.

286. Any document purporting to be a report from the Chemical Examiner to Government upon any matter or thing duly submitted to him for examination or analysis and report in the course of any criminal trial or in any preliminary enquiry relating thereto, shall, if it bears his signature, be received in evidence at a trial by the Court of Session.

Report of Chemical Examiner.

No proof of such signature or that the person signing holds such office, shall be requisite, unless the Court sees reason to doubt the genuineness of the document.

287. The declaration of a deceased person, whether it be reduced to writing or not, and whether it be made in the presence of the accused person or not, may be given in evidence if the deceased person at the time of making such declaration believed himself to be in danger of approaching death, although he entertained at the time of making it hopes of recovery.

Dying declaration.

CHAPTER II.—*Evidence how taken.*

288. In all Criminal Courts, complainants and witnesses shall be examined upon oath or affirmation, or otherwise according to the provisions of the law for the time being in force in relation to the examination of witnesses.

Examination of complainants and witnesses.

289. In inquiries and trials under this Act the evidence of the witnesses shall be recorded by the Magistrate or Judge, as the case may be, in the following manner.

Manner of recording evidence.

290. In cases tried before Magistrates in which a summons usually issues, the Magistrate shall make a memorandum of the substance of the evidence of each witness, as the examination of the witness proceeds.

Memorandum of substance of evidence.

The memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record.

If the Magistrate is prevented from making a memorandum as above required, he shall record the reason of his inability to do so, and shall cause such memorandum to be made in writing from his dictation in open Court, and shall sign the same, and such memorandum shall form part of the record.

291. In all other cases whether before Magistrates or Courts of Session, the evidence of each witness shall be taken down in writing in the language in ordinary use in the District in which the Court is held, by or in the presence and hearing and under the personal direction and superintendence of the Magistrate, and shall be signed by the Magistrate.

Mode and language in which evidence to be recorded.

When the evidence of a witness is given in English, the Magistrate may take it down in that language with his own hand, and an authenticated translation of the same, in the language in ordinary use in the District in which the Court is held, shall form part of the record.

Evidence in English.

In cases in which the evidence is not taken down in writing by the Magistrate, he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes, and such memorandum shall be written and signed by the Magistrate with his own hand, and shall be annexed to the record.

Memorandum when evidence not taken down in writing.

If the Magistrate is prevented from making a memorandum as above required, he shall record the reason of his inability to do so.

292. The Local Government may direct that in any District or part of a District the evidence of complainants or witnesses shall be taken down by the Magistrate with his own hand in the vernacular language of the Magistrate, unless the Magistrate be prevented by any sufficient reason from taking down the evidence of any complainant or witness, in which case he shall record the reason of his inability to do so, and shall cause the evidence to be taken down in writing from his dictation in open Court.

Local Government may direct evidence to be recorded in vernacular language of Magistrate.

The evidence so taken down shall be signed by the Magistrate, and shall form part of the record:

Provided that, if the vernacular language of the Magistrate be not English or the language in ordinary use in the District in which the Court is held, the Local Government may direct him to take down the evidence in the English language or in the language in ordinary use in the District in which the Court is held, instead of his own vernacular.

Proviso.

293. In cases tried before Magistrates in which a summons usually issues, the Magistrate may, if he thinks fit, take down the evidence of any witness in the manner provided in section 291, or if within the jurisdiction of such Magistrate, the Local Government has made the order referred to in section 292, in the manner provided in section 292.

Taking down evidence in cases tried upon summons.

294. The Local Government may determine what, for the purposes of this Act, shall be held to be the language in ordinary use in any District in which a Court is held.

Local Government to decide language in ordinary use.

295. The evidence shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative.

Evidence how to be recorded.

It shall be in the discretion of the Magistrate to take down, or cause to be taken down, any particular question and answer, if there appear any special reason for so doing, or any person who is a prosecutor or a person accused, or his Counsel or agent, requires it.

When the evidence is completed, it shall be read over to the witness in the presence of the accused person if in attendance, or of his agent when his personal attendance is dispensed with and he appears by agent, and shall, if necessary, be corrected.

Evidence to be read to witness.

If the witness deny the correctness of any part of the evidence when the same is read over to him, the Magistrate may, instead of correcting the evidence, make a memorandum thereon of the objection made to it by the witness, and shall add such remarks as he thinks necessary.

If the evidence be taken down in a different language from that in which it has been given, and the witness does not understand the language in which it is taken down, the witness may require his evidence as taken down to be interpreted to him in the language in which it was given, or in a language which he understands.

296. A memorandum to be signed by the Magistrate shall be attached to the evidence of every witness, whether for the prosecution or the defence, and shall state that the evidence was read over to the witness in a language which he understood (naming the language), and, if the fact is so, that the witness acknowledged such evidence to be correct.

Memorandum to be attached to evidence.

When the evidence is not taken down by the Magistrate with his own hand, the memorandum shall further state that the evidence was taken down in his presence and hearing, and under his personal direction and superintendence.

297. If the evidence is given in a language not understood by the accused person, it shall be interpreted to him in open Court in a language understood by him, in all cases where he is present in person.

Interpretation of evidence to accused or his agent.

If he appears by agent, and the evidence is given in a language other than the language in ordinary use in the District in which the Court is held, it shall be interpreted to such agent in that language.

298. Every Judge or Magistrate recording the evidence of a witness shall record such remarks as he thinks material respecting the demeanour of such witness whilst under examination.

Remarks respecting demeanour of witness.

299. Sections 296, 297 and 298 shall not apply to evidence taken by a Magistrate in cases in which a summons usually issues, unless he thinks fit to act under section 293.

Sections 296, 297 and 298 not to apply in certain cases.

CHAPTER III.—*Of the Examination of Persons accused.*

300. In inquiries and trials before Magistrates, the Magistrate may, from time to time and at any stage of the proceedings,

Accused may be questioned.

and in trials before the Court of Session, the Court at the close of the case for the prosecution and at the close of the evidence (if any) on behalf of the accused person,

may put any questions to the accused person which the Magistrate or Court may think proper.

It shall be in the option of the accused person to answer such questions.

301. No influence, by means of any promise or threat or otherwise, shall be used to the accused person to induce him to disclose or withhold any matter within his knowledge.

No influence to be used to induce disclosures.

302. No oath or affirmation shall be administered to the accused person.

Accused not to be sworn.

303. In inquiries and trials before Magistrates, the examination of the accused person, including every question put to him and every answer given by him, shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers.

Examination of accused how recorded.

When the whole is made conformable to what he declares is the truth, the examination shall be attested by the signature of the Magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the statement made by the accused person.

304. The Magistrate of the District or other officer exercising the powers of a Magistrate, and any Subordinate Magistrate duly empowered under section 33, recording his reason for so doing, may tender a pardon to any one or more of the persons supposed to have been directly or indirectly concerned in or privy to any offence specified in column seven of the second schedule hereto annexed as triable by the Court of Session, on condition of his or their making a full, true and fair disclosure of the whole of the circumstances within his or their knowledge relative to the crime committed, and every other person concerned in the perpetration thereof.

Magistrate may tender pardon to accomplice.

Any person accepting a tender of pardon under this section, shall be examined as a witness in the case under the rules applicable to the examination of witnesses.

Such person, if not on bail, may, if the Magistrate or other officer as aforesaid thinks proper, be detained in custody pending the termination of the trial.

305. The High Court as a Court of reference, in cases tried with the aid of assessors, and the Court of Session, after committal but before the commencement of a trial, may, with the view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in or privy to any such offence, instruct the Magistrate to tender a pardon on the same condition to such person or persons.

High Court or Court of Session may direct tender of pardon.

The Court of Session in like manner and on the same condition may, at any time during a trial, with the view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in or privy to any such offence, tender a pardon to such person or persons.

306. When a pardon has been tendered under section 304 or section 305, if it appears to the Magistrate before the committal, or to the Court of Session at the time of trial, or to the High Court as a Court of reference, that any person who has accepted an offer of pardon has not conformed to the conditions under which the pardon was tendered, either by wilfully concealing anything essential, or by giving false evidence or information, such Magistrate or Court may commit or direct the commitment of such person for trial for the offence in respect of which the pardon was so tendered.

When High Court or Court of Session may direct commitment of person to whom pardon has been tendered.

CHAPTER IV.—*Of securing the Attendance of Witnesses.*

307. The following procedure shall be pursued in order to obtain the attendance of witnesses in cases in which a person accused or suspected of crime is brought or appears before a Magistrate.

Procedure for obtaining attendance of witnesses.

308. In cases usually tried before a Magistrate upon summons, the Magistrate may summon any person who appears to him likely to give material evidence on behalf of the complainant or the accused.

In cases tried upon summons.

309. In cases usually tried before a Magistrate upon warrant, the Magistrate shall ascertain from the complainant or otherwise the names of any persons who may be acquainted with the facts and circumstances of the case, and are likely to give evidence for the prosecution, and summon them before him to give evidence.

In cases tried upon warrant.

The Magistrate shall also summon any witness and examine any evidence that may be offered in behalf of the accused person to answer or disprove the evidence against him, and may for that purpose, at his discretion, adjourn the trial from time to time.

310. In inquiries preliminary to commitment to a Court of Session, the Magistrate shall procure the attendance of witnesses for the prosecution as in cases usually tried upon

In inquiries preliminary to commitment to Court of Session.

warrant, and it shall be in his discretion to summon any witness offered in behalf of the accused person to answer or disprove the evidence against him.

311. In such inquiries, when the person accused is to be committed for trial and has given in the list of witnesses mentioned in section 309, the Magistrate shall summon the witnesses to appear before the Court before which the accused person is to be tried.

When accused person is to be committed.

312. If the Magistrate thinks that any witness is included in the list for the purpose of vexation or delay or of defeating the ends of justice, he may require the accused person to satisfy him that there are reasonable grounds for believing that such witness is material.

Refusal to summon unnecessary witness, unless deposit made.

If the Magistrate be not so satisfied, he shall not be bound to summon the witness, unless such a sum is deposited with the Magistrate as he thinks necessary to defray the expense of obtaining the attendance of the witness.

313. The accused person shall be allowed to examine any witness not previously named by him if such witness be in attendance, but he shall not be entitled of right to have any witness summoned other than the witnesses named in the list delivered to the Magistrate by whom he was committed or held to bail for trial, except as provided in section 402.

Witness for defence.

314. Any Court or Magistrate may at any stage of any inquiry or trial summon or examine any witness whose evidence appears essential to the just decision of the case, or examine any person in attendance though not summoned as a witness.

Power to summon material witness or examine person present.

315. If the Magistrate has reason to believe that any witness whose attendance is required will not attend to give evidence without being compelled to do so, he may, instead of issuing a summons, issue his warrant of arrest in the first instance.

Issue of warrant of arrest in first instance.

316. If the warrant cannot be served, and the Magistrate is satisfied that the witness absconds or conceals himself for the purpose of avoiding the service thereof, he may issue a proclamation, requiring the attendance of such witness to give evidence at a time and place to be named therein, to be affixed on some conspicuous part of his ordinary place of abode.

Procedure when warrant cannot be served.

If the witness does not attend at the time and place named in such proclamation, the Magistrate may order the attachment of any moveable property belonging to such witness to such amount as he deems reasonable, not being in excess of the amount of costs of attachment and of any fine to which the witness may be liable under the provisions of the following section.

Such order shall not authorize the attachment of any property out of the jurisdiction of the Magistrate by whom it is made, but it shall authorize the attachment of property in the jurisdiction of any Magistrate by whom such order is endorsed.

317. If the witness appears and satisfies the Magistrate that he did not abscond or conceal himself for the purpose of avoiding the service of the warrant, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Magistrate shall direct that the property be released from attachment, and shall make such order in regard to the costs of the attachment as he thinks fit.

Release of attached property of witness appearing and satisfying Magistrate.

If such witness does not appear, or appearing, fails to satisfy the Magistrate that he did not abscond or conceal himself for the purpose of avoiding the service of the warrant, and that he had not such notice of the proclamation as aforesaid, the Magistrate may order the property attached, or any part thereof, to be sold for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of any fine which he may impose upon such witness under the provisions of section 172 of the Indian Penal Code.

Sale of property of witness not appearing or satisfying Magistrate.

If the witness pays to the Magistrate the costs and fine as aforesaid, the Magistrate shall order the property to be released from attachment.

318. If any person summoned to give evidence neglects or refuses to appear at the time and place appointed by the summons, and no valid excuse is offered for such neglect or refusal, the Magistrate, upon proof of the summons having been duly served, may issue a warrant under his hand and seal, to bring such person before him to testify as aforesaid.

Arrest of person disobeying summons.

319. If any person summoned or brought before a Magistrate refuses to answer such questions as are put to him, without offering any valid excuse for such refusal, the Magistrate may, by warrant under his hand and seal, commit him to custody for any term not exceeding seven days, unless in the meantime he consents to be examined and to answer, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of section 387.

Committal of person refusing to answer.

320. If any witness before a Court of Session refuses to answer any question which shall be put to him, and does not offer any just excuse for such refusal, the Court may commit him to custody for such reasonable time as it deems proper, unless in the meantime he consents to be examined and to answer.

Committal of witness refusing to answer.

In the event of his persisting in his refusal, he may be dealt with according to the provisions of section 387.

321. Prosecutors and witnesses for the prosecution, whose attendance may be necessary before the Court of Session, shall execute before the Magistrate recognizances in the Form (E) given in the appendix, or to the like effect, to be in attendance when called upon at the Court of Session, to prosecute or to give evidence, as the case may be.

Recognizances of prosecutors and witnesses.

If any prosecutor or witness refuses to attend before the Court of Session or to execute

the recognizance above directed, the Magistrate may detain him in custody, until he executes such recognizance, or until the time when his attendance at the Court of Session is required, when the Magistrate shall send him under custody to the Court of Session.

CHAPTER V.—*Of Search-Warrants.*

322. When a Magistrate considers that the production of anything is essential to the conduct of an enquiry into an offence known or suspected to have been committed, or when he considers that such enquiry will be furthered by the search or inspection of any house or place, he may grant his search-warrant, and the officer charged with the execution of such warrant may search any house or place within such Magistrate's jurisdiction.

Search-warrant when grantable.

The Magistrate may, if he see fit, specify in his warrant the house or place, or part thereof, to which only the search or inspection shall extend, and the officer charged with the execution of such warrant shall then search only the house, place or part so specified.

323. A search-warrant shall ordinarily be directed to a Police officer, but the Magistrate issuing the warrant may, if he see fit, direct it to any other person.

Direction of search-warrant.

324. A search-warrant directed to an officer in charge of a Police-station may, if he is not able to proceed in person, be executed by any officer subordinate to him.

Warrant to Police officer may be executed by his subordinate.

In such case the name of such subordinate officer shall be endorsed upon the warrant by the officer to whom it is directed.

Endorsement.

325. When it is necessary for a search-warrant to be executed out of the jurisdiction of the Magistrate issuing the warrant, the Magistrate within whose jurisdiction the warrant is to be executed shall endorse his name thereon.

Execution of search-warrant out of jurisdiction of Magistrate issuing it.

Such endorsement shall be sufficient authority for the Police officer charged with the execution of the warrant to execute the same within the same jurisdiction.

Or the search-warrant may be directed to the Magistrate within whose jurisdiction the search is to be made, and he shall thereupon endorse his name on such warrant and enforce its execution in the same manner as if it had been issued by himself.

326. Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate in whose District the warrant is to be executed will prevent the discovery of the thing for which search is to be made, the Police officer charged with the execution of the warrant may execute the same in any place beyond the jurisdiction of the Magistrate by whom it was issued without the endorsement of the Magistrate in whose jurisdiction that place is situate.

Search-warrants may in emergency be executed without endorsement.

If the thing for which search is made is found in such place, it shall be immediately taken before the Magistrate in whose jurisdiction it is found, and, unless there be good cause to the contrary, he shall make an order authorizing it to be taken to the Magistrate who issued the warrant.

Thing found to be taken to Magistrate within whose jurisdiction it is found.

Order thereon.

327. If the thing searched for be found within the local limits of a High Court, it shall be taken to the Chief Commissioner of Police or to a Police Magistrate, who shall act in the manner prescribed in section 326.

Procedure in such cases within local limits of High Court.

328. Whenever it appears necessary, a Magistrate may, by the warrant, order search to be made in a place out of his jurisdiction, and may direct that the warrant be executed either after or without obtaining the endorsement of the Magistrate within whose jurisdiction the search is to be made.

Magistrate may issue search-warrant to be executed in jurisdiction of another Magistrate.

When a Magistrate issues a warrant under this section, he shall inform the Magistrate within whose jurisdiction the house or place to be searched is situate, or if the house or place be situate within the local limits of any High Court, he shall inform the Chief Commissioner of Police, of the issue of such warrant.

329. A Magistrate issuing a search-warrant to be executed in any house or place out of the jurisdiction of the Magistrate of the District, may direct the warrant to any Magistrate within whose jurisdiction such house or place is situate, and may send the same by post.

Magistrate may send search-warrant by post to Magistrate of another District.

On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name thereon and enforce its execution in the same manner as if it had been originally issued by himself.

Endorsement and execution by such Magistrate.

If the warrant is to be executed within the local limits of the High Court, it shall be addressed to the Commissioner of Police or to a Police Magistrate.

Direction of warrant to be executed in local limits of High Court.

In such case any property found on search made may be dealt with as provided in sections 326 and 327.

330. If the Magistrate of the District or a Magistrate in charge of a division of a District, or any other officer exercising the powers of a Magistrate, upon information and after such enquiry as he thinks necessary, has reason to believe that any house or other place is used as a place for the deposit or sale of stolen property,

Search of house suspected to contain stolen property or forged documents.

or for the deposit or sale or manufacture of forged documents, or counterfeit Government stamps, or counterfeit coin, or instruments or materials for counterfeiting coin or for forging,

or that any forged documents, or counterfeit stamps, or false seals, or any counterfeit coin, or instruments or materials used for counterfeiting

coin, or for forging, are kept or deposited in any house or other place,

he may by his warrant authorize any Police officer above the rank of a constable to enter, with such assistance as may be required, and by force if necessary, any such house or other place, and to search all such parts of the same as are specified in the warrant, and to seize and take possession of any property, documents, stamps, seals, or coins therein found, which he may reasonably suspect to be stolen, forged, false, or counterfeit, and also of any such instruments and materials as aforesaid.

331. The Magistrate by whom a search-warrant is issued may attend personally for the purpose of seeing that the warrant is duly executed.

Magistrate may attend personally.

The Magistrate may also direct a search to be made in his presence, of any house or place for the search of which he is competent to issue a search-warrant.

Magistrate may direct search in his presence.

332. Whenever an officer in charge of a Police-station considers that the production of anything is necessary to the conduct of an enquiry into any offence which he is authorized to investigate, he may search or cause search to be made for the same, in any house or place within the limits of such station.

Search by officer in charge of Police-station.

In such case, the officer in charge of the Police-station shall, if practicable, conduct the search in person.

If unable to conduct the search in person, and there is no other person competent to make the search present at the time, the officer in charge of the Police-station may require any officer subordinate to him to make the search, and he shall deliver to such officer an order in writing, specifying the property for which search is to be made and the house or place to be searched, and the subordinate officer may thereupon search for such property in such house or place.

The provisions of sections 335 to 338 (both inclusive), relating to search-warrants, shall be applicable to a search under this section made by or under the direction of an officer in charge of a Police-station.

333. An officer in charge of a Police-station may require an officer in charge of another Police-station, whether subordinate to the same Magistrate as himself or to a Magistrate of another District, to cause a search to be made in any house or place in any case in which the former officer might cause such search to be made within the limits of his own station.

When officer of Police-station may require another to issue search-warrant.

334. An officer in charge of a Police-station may, without a warrant, enter any shop or premises within the limits of such station for the purpose of inspecting or searching for any weights or measures or instruments for weighing used or kept therein, whenever he has reason to believe that there are in such shop or premises any weights, measures, or instruments for weighing which are false.

Inspection of weights and measures.

If he finds in such shop or premises any weights, measures, or instruments that are false, he may seize the same, and shall forthwith give information of such seizure to the Magistrate having jurisdiction.

335. If the house or place to be searched is closed, it shall be the duty of any person residing in or being in charge of such house or place, on demand of the officer or other person executing the warrant, to allow such officer or other person free ingress thereto, and to afford all reasonable facilities for a search therein.

Persons in charge of closed house to allow search.

336. A Police officer, or other person authorized by a warrant to search any house or place, may break open any outer or inner door or window of the house or place, in order to execute the warrant, if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance.

Place to be searched may be broken open.

337. If the place ordered to be searched is an apartment in the actual occupancy of a woman who, according to the customs of the country, does not appear in public, the officer or other person charged with the execution of the warrant shall give notice to such woman in such apartment, not being a woman against whom a warrant of arrest has been issued, that she is at liberty to withdraw.

Breaking of zenána.

After giving such notice and allowing a reasonable time for the woman to withdraw, and affording her every reasonable facility for withdrawing, he may enter such apartment for the purpose of completing the search, using at the same time every precaution consistent with these provisions for preventing the clandestine removal of property.

338. The search of any house or place under this chapter shall be made in the presence of two or more respectable inhabitants of the place in which the house or place searched is situate, but they shall not be required to attend the Court of the Magistrate as witnesses, unless specially summoned by him.

Search to be made in presence of witnesses.

The occupant of the house or place or some person in his behalf shall, in every instance, be permitted to attend during the search.

Occupant of place searched may attend.

339. Whenever it is necessary to cause a woman to be searched, the search shall be conducted with strict regard to the habits and customs of the country.

Mode of searching women.

PART VII.

PROCEDURE INCIDENTAL TO INQUIRY AND TRIAL.

CHAPTER I.—*Bail.*

340. When any person appears or is brought before a Magistrate accused of any of the offences specified as bailable in column five of the second schedule hereto annexed, he shall be admitted to bail.

When bail shall be taken.

341. When any person appears or is brought before a Magistrate accused of any offence entered as not bailable in column five of the second schedule hereto annexed, such person shall not be admitted to bail, if there appear reasonable grounds for believing that he has been guilty of the crime imputed to him.

Bail not to be taken for certain offences.

If the evidence given in support of the accusation is, in the opinion of the Magistrate, not such as to raise a strong presumption of the guilt of the accused person and to require his committal,

When bail may be taken.

or if such evidence is adduced on behalf of the accused person as, in the opinion of the Magistrate, weakens the presumption of his guilt, but there appears to the Magistrate in either of such cases to be sufficient ground for further enquiry into his guilt,

the accused person shall be admitted to bail pending such enquiry.

342. The Court of Session may direct that any accused person shall be admitted to bail, or that the bail required by a Magistrate be reduced.

Power to direct admission to bail.

343. When a Magistrate admits to bail any person accused or suspected of any offence, a recognizance in such sum of money as the Magistrate thinks sufficient, shall be entered into by the person so accused and one or more sureties, conditioned that such person shall attend during the preliminary enquiry, and, if required, shall appear when called upon at the Court of Session to answer the charge.

Recognizance of accused and sureties.

344. If through mistake or fraud insufficient bail has been taken, or if the sureties become afterwards insufficient, the accused person may be ordered by the Magistrate to find sufficient sureties, and, in default, may be committed to prison.

Insufficient bail.

345. If the accused person cannot find sureties when called upon, he shall be admitted to bail upon finding the same at any time afterwards before conviction.

Bail may be taken at any time before conviction.

346. After the recognizances have been duly entered into, the Magistrate, in case the accused person has appeared voluntarily or is in the custody of some officer, shall thereupon discharge him; and in case he is in some prison or other place of confinement, shall issue a warrant of discharge to the jailor or other person having him in his custody, and such jailor or other person shall thereupon liberate him.

Discharge on bail.

347. The sureties for an accused person may, at any time, apply to the Magistrate to be discharged from their engagements.

Discharge of sureties.

On such an application being made, the Magistrate shall issue his warrant of arrest, directing that such person be brought before him.

On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the recognizances of the sureties to be discharged, and shall call upon such person to find other sureties, and, in default, may order him to be committed to prison.

348. Whenever, by reason of default of appearance of the person executing the personal recognizance, the Magistrate is of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance, he shall proceed to enforce the penalty by the attachment and sale of the moveable property belonging to such person, which may be found within the jurisdiction of the Magistrate of the District.

Procedure to compel payment of penalty by accused.

349. Whenever, by reason of default of appearance by the person bailed, the Magistrate is of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance of the surety or sureties, he shall give notice to the surety or sureties to pay the same, or to show cause why it should not be paid.

Procedure to compel payment of penalty by sureties.

If no sufficient cause be shown, the Magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any moveable property belonging to him or them which may be found within the jurisdiction of the Magistrate of the District.

If the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the Magistrate, in the Civil jail, during a period not exceeding six months.

350. The powers given by sections 348 and 349 may be exercised by every Criminal Court in every case in which a personal recognizance or bail has been given for the appearance of a party or witness, if default is made by the non-appearance of such party or witness before such Court according to the conditions of such recognizance or bail:

In what cases the powers given by sections 284 and 285 may be exercised.

Provided that the Magistrate or Court may, at his or its discretion, remit any portion of the penalty mentioned in the personal recognizance or in the recognizance of the surety or sureties, and enforce payment in part only:

Remission of part of penalty.

All orders passed by any Magistrate under this section or section 348 or 349 shall be subject to revision by the Magistrate of the District.

Revision of orders.

351. When any person is required by any Criminal Court to give bail, such Court may permit such person to deposit a sum of money or Government promissory notes to such amount as it may fix in lieu of such bail.

Deposit may be made instead of bail.

CHAPTER II.—*Formation of Lists of Jurors and Assessors and their Attendance.*

352. The Collector of the District or such other officer as the Local Government from time to time appoints in this behalf, shall prepare and make out in alphabetical order a list of persons residing within ten miles from the place where trials before the Court of Session are held, or within such other distance as the Local Government thinks fit to direct, who are in the judgment

List of jurors and assessors.

of the Collector or other officer as aforesaid qualified from their education and character to serve as jurors or as assessors, respectively.

The list shall contain the name, place of abode, and quality or business of every such person; and if the person is a European or an American, the list shall mention the race to which he belongs.

353. Copies of such list shall be stuck up in the office of the Collector or other officer as aforesaid and in the Court-houses of the Magistrate of the District and of the Chief Civil Court, and in some conspicuous place in the town or towns near or in the vicinity of which the persons named in the list reside.

Publication of list.

To every such copy shall be subjoined a notice, stating that objections to the list will be heard and determined by the Collector or other officer as aforesaid at a time and place to be mentioned in the notice.

354. The Collector or other officer as aforesaid shall, at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not qualified in his judgment to serve as a juror or as an assessor, or who may avail himself of the exemption from service given by section 358, and insert the name of any person omitted from the list whom he deems qualified for such service.

Revision of list.

A copy of the revised list shall be signed by the Collector or other officer as aforesaid and sent to the Court of Session.

Any order of the Collector or other officer as aforesaid in preparing and revising the list shall be final.

355. The list so prepared and revised shall be again revised at least once in every year.

Annual revision of list.

The list so revised shall be deemed a new list and shall be subject to all the rules hereinbefore contained as to the list originally prepared.

356. All male persons between the ages of twenty-one and sixty, resident within the local limits of the jurisdiction of the Court of Session, except those hereinafter mentioned, shall be deemed capable of serving as jurors and assessors, and shall be liable to be summoned accordingly.

Jurors and assessors.

357. The following persons are incapable of serving as jurors or as assessors in trials before the Court of Session, namely:—

Disqualifications.

Persons who hold any office in or under the said Court.

Persons executing any duties of Police or entrusted with any Police functions.

Persons who have been convicted of any offence against the State, or of any fraudulent or other offence which, in the judgment of the Collector, renders them unfit to serve on the jury.

Persons afflicted with any infirmity of body or mind, sufficient to incapacitate them from serving.

Persons who, by habit or religious vows, have relinquished all care of worldly affairs.

358. The following persons are exempt from the liability to serve as jurors or as assessors, namely:—

Exemptions.

Judges and other judicial officers.

Commissioners and Collectors of Revenue or Customs.

All persons engaged in the Preventive Service in the Customs Department.

All persons engaged in the collection of the revenue whom the Collector thinks fit to exempt on the ground of official duty.

Chaplains and others employed in religious offices.

All persons in the Military service.

Surgeons and others who openly and constantly practise in the profession of Physic.

Persons employed in the Post Office and Electric Telegraph Departments.

Persons actually officiating as priests in their respective religions.

Persons exempted by Government from personal appearance in Court under the provisions of the Code of Civil Procedure, section 22.

Person exempted is not bound to avail himself of his right of exemption.

The exemption from service given by this section is a right of which each person exempted may avail himself or not.

Nothing herein contained shall be construed to disqualify any such person, if he is willing to serve as a juror or as an assessor.

359. The Court of Session shall ordinarily, three days at the least before the time fixed for the holding of sessions, cause the Magistrate to summon as many persons named in the said revised list as seem to the Court to be needed for trials by jury and trials with the aid of assessors at the said sessions, the number to be summoned not being less than double the number required for any case about to be tried at such sessions.

Court to summon jurors.

The names of the persons to be summoned shall be drawn by lot in open Court, excluding those on the revised list who have served within six months, unless the number cannot be made up without them, and shall be specified in the precept to the Magistrate.

360. Every summons to a juror or assessor shall be in writing, and shall require his attendance as a juror or assessor at a time and place to be therein specified.

Form and service of summons.

The summons or a copy thereof shall be served on every juror or assessor personally.

If the juror or assessor summoned be absent from his usual place of abode, the summons may be left for him there with some adult male member of his family residing with him.

361. The Court of Session may direct jurors or assessors to be summoned at other periods than the period specified in section 359, when the number of trials before the Court renders the attendance of one set of jurors or assessors for a whole session oppressive, or whenever it is found to be necessary.

Power to summon another set of jurors or assessors.

362. If any person summoned to serve as a juror or assessor be in the service of Government, the summons shall be sent to him through the head

Service of summons on officer of Government.

officer of the office in which he is employed, and the Court may excuse the attendance of such person if it appear, on the representation of such head officer, that the person summoned cannot serve as a juror or assessor without inconvenience to the public service.

363. The Court of Session may excuse any juror or assessor from attendance for reasonable cause.

Court may excuse attendance of juror or assessor.

364. At each session the Court shall cause to be made a list of the names of those who serve as jurors or assessors at such session.

List of jurors or assessors attending.

The list shall be kept with the revised list of the jurors and assessors prepared under section 354.

A reference shall be made in the margin of the said revised list to each of the names which are mentioned in the list prepared under this section.

365. Any person summoned to attend as a juror or as an assessor who, without lawful excuse, fails to attend as required by the summons, or having attended, departs without having obtained the permission of the Court, or fails to attend after an adjournment of the Court after being ordered to attend, shall be liable by order of the Court of Session to a fine not exceeding one hundred rupees.

Penalty for non-attendance of juror or assessor.

Such fine shall be levied by the Magistrate of the District by attachment and sale of any moveable property belonging to such juror or assessor within the jurisdiction of the Court making the order.

In default of recovery of the fine by such attachment and sale, such juror or assessor may be imprisoned in the civil jail for the space of fifteen days if the fine be not sooner paid.

CHAPTER III.—*Miscellaneous Provisions.*

366. The seizure by any Police officer of property alleged or suspected to have been stolen, or of property seized by any Police officer under circumstances which create suspicion of the committal of any offence, shall be forthwith reported to a Magistrate, who shall thereupon make such order respecting the custody and production of the property as he thinks proper.

Procedure by Police upon seizure of stolen property.

If the property is of a perishable nature, or if it appear to the Magistrate that its sale would be for the benefit of the owner, he may at any time direct it to be sold, and shall hold the proceeds in trust for the owner subject to the provisions contained in sections 367 and 368:

Sale of perishable property.

Provided that no Subordinate Magistrate of the Second Class shall exercise this power unless he is generally or specially authorized to do so by the Magistrate of the District.

367. When the owner of any such property is unknown, the Magistrate may detain the same, or the proceeds thereof if sold, and, in case of such detention, shall issue a proclamation specifying the articles of which such property consists or consisted, and requiring any person who may have a claim thereto or to the proceeds thereof to appear before him and establish his claim within six months from the date of such proclamation.

Procedure where owner of property seized unknown.

368. If no person within such period establishes his claim to such property or proceeds, and if the person in whose possession such property was found is unable to show that it was legally acquired by him, the property shall be at the disposal of the Government, and may be sold under the orders of the Magistrate of the District, or, if it has been already sold by the Magistrate, the proceeds shall be at the disposal of the Government.

Procedure if no claimant appear within six months.

369. When the trial in any Criminal Court is concluded, the Court at the time of passing judgment may make such order as appears right for the disposal of any property produced before it regarding which any offence appears to have been committed.

Order for disposal of property regarding which offence committed.

370. Any Court of appeal, reference or revision may direct any such order passed by a Court subordinate thereto to be stayed, and may modify, alter or annul it.

Stay of such order.

371. The order passed by any Court under section 369 or 370 may be in the form of a reference of the property to the Magistrate of the District, who shall in such cases deal with it as if the property had been seized by the Police and the seizure had been reported to him in the manner hereinbefore mentioned.

Order may take form of reference to Magistrate of District.

372. Every warrant for the commitment of a person to custody shall be in writing and signed and sealed by the Judge or Magistrate who issues it, and shall be directed to some jailor or other officer or person having authority to receive and keep prisoners, and shall be in the Form (C) given in the appendix to this Act or to the like effect.

Form and direction of warrant of commitment.

373. The warrant of commitment shall be lodged with the jailor, if he be in the jail; and if he be not in the jail, with his deputy.

Warrant with whom to be lodged.

If the jailor has no deputy, the warrant may be lodged with any officer of the jail then being in the jail.

374. Subject to any rules that may be passed by the Local Government with the previous sanction of the Governor General of India in Council, the Criminal Courts may order payment on the part of Government of the reasonable expenses of any complainant or witness attending for the purpose of any trial before such Court under this Act.

Expenses of complainant and witnesses.

375. When the services of an interpreter are required by any Criminal Court for the interpretation of any evidence or statement, he shall be sworn in the manner provided for witnesses by any law for the time being in force, to interpret truly such evidence or statement, and he shall be bound to state the truth in his interpretation of such evidence or statement.

Interpreter to be sworn.

PART VIII.

EXCEPTIONAL INCIDENTS.

CHAPTER I.—*Lunatics.*

Procedure in case of accused being lunatic.

376. When any person charged with an offence appears to the Magistrate having jurisdiction to be of unsound mind and incapable, in consequence, of making a defence, the Magistrate shall institute an inquiry to ascertain the fact of such unsoundness of mind, and shall cause the accused person to be examined by the Civil Surgeon of the District, or some other medical officer, and thereupon shall examine such Civil Surgeon or other medical officer, and shall reduce the examination into writing.

If the Magistrate is of opinion that the accused person is of unsound mind, he shall stay further proceedings in the case.

When accused appears to have been insane.

377. When, from the evidence given before a Magistrate, there appears to be sufficient ground for believing that the accused person committed an act which, if he had been of sound mind, would have been an offence triable exclusively by the Court of Session, and that he was at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act charged or that he was doing what was wrong or contrary to law, he shall be sent for trial by the Magistrate before the Court of Session:

If the Magistrate is a Justice of the Peace and the accused person is a European British subject, the Magistrate shall follow the procedure prescribed in the second paragraph of section 176.

Procedure in case of person committed before a Court of Session being lunatic.

378. If any person committed for trial before a Court of Session, shall at his trial appear to the Court to be of unsound mind and incapable of making his defence, the Court shall in the first instance try the fact of such unsoundness of mind, and if satisfied of the fact, shall give a special judgment that the accused person is of unsound mind and incapable of making his defence, and thereupon the trial shall be postponed.

Release of lunatic pending investigation or trial.

379. Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Magistrate or Court of Session, as the case may be, if the offence be bailable, may release such person on sufficient security being given that he shall be properly taken care of, and shall be prevented from doing injury to himself or to any other person, and for his appearance when required.

Custody of lunatic.

If the offence be not bailable, or if the required bail be not given, the accused person shall be kept in safe custody in such place as the Local Government to which the case shall be reported shall direct.

Resumption of investigation or trial.

380. Whenever any investigation or trial of a case is postponed under section 376 or section 378, the Magistrate or Court of Session, as the case may be, may at any time resume the investigation or trial, and require the accused person, if detained in custody, to be brought before such Magistrate or Court, or if the accused person has been released on security, may require his appearance.

Until such investigation or trial is completed, the case shall be considered as pending before the Magistrate or Court of Session, and shall be included in any register of pending cases kept by such Magistrate or Court.

The surety of such person shall be bound at any time to produce him to any officer whom the Magistrate or Court of Session appoints to inspect him, and the certificate of such officer shall have the same effect as the certificate of an Inspector General of Jails or the visitors of Lunatic Asylums, granted under section 384.

Procedure on accused appearing before Magistrate or Court of Session.

381. If, when the accused person appears or is again brought before the Magistrate or the Court of Session, as the case may be, it appears to such Magistrate or Court that the accused person is in a fit state of mind to make his defence, the investigation shall proceed, or the accused person shall be put on his trial, as the case may require.

If it appears that the accused person is still of unsound mind, and incapable of making his defence, the Magistrate or Court of Session shall again act according to the provisions of section 376 or section 378.

Finding in case of acquittal on ground of being lunatic.

382. Whenever any person is acquitted upon the ground that, at the time at which he is charged to have committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act charged or that he was doing what was wrong or contrary to law, the finding shall state specially whether he committed the act or not.

Person so acquitted to be kept in safe custody.

383. Whenever such finding states that the accused person committed the act charged, the Magistrate or Court of Session before whom the trial was held shall, if the act charged would, but for the incapacity found, have amounted to an offence, order such person to be kept in safe custody, in such place and manner as to the Magistrate or Court of Session seems fit, and shall report the case for the order of the Local Government.

The Local Government may order such person to be kept in safe custody in a Lunatic Asylum or other suitable place of safe custody.

Lunatic prisoners to be visited by Inspector General.

384. *Clause* 1.—When any person is confined under the provisions of section 379 or section 383, the Inspector General of Jails, if such person is confined in a jail, or the visitors of the Lunatic Asylums or any two of them, if he is confined in a Lunatic Asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every three months by such Inspector General or by two of such visitors as aforesaid, who shall make a special report to the Local Government as to his state of mind.

Procedure where lunatic prisoner is reported capable of making his defence.

Clause 2.—If such person is confined under section 379, and such Inspector General or visitors as aforesaid shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Magistrate or Court of Session, as the case may be, at such time as such Magistrate or Court of Session appoints; and such Magistrate or Court shall deal with such person under the provisions of section 381, and the certificate of such officer or visitors as aforesaid shall be receivable as evidence.

Procedure where lunatic confined under section 357 is declared capable of being discharged.

Clause 3.—If such person is confined under the provisions of section 383, and such Inspector General or visitors as aforesaid shall certify that in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Local Government shall thereupon either order his discharge or order him to be transferred to a public Lunatic Asylum if he has not been already sent to such an Asylum, and shall appoint a commission, consisting of a judicial officer not below the grade of a Sessions Judge, and two medical officers, whereof the chief medical officer attached to the Lunatic Asylum shall be one.

The said commission shall make formal enquiry into the state of mind of such person, taking such evidence as is necessary; and if they consider that he can be set at liberty without danger to himself or to any other person, he shall be discharged.

Prisoner appearing to be insane, may be removed to Lunatic Asylum.

385. Whenever it appears to the Local Government that any person imprisoned by the sentence of any Court or Magistrate is of unsound mind, the Local Government, by an order setting forth the grounds of belief that such prisoner is of unsound mind, may direct his removal to a Lunatic Asylum, there to be kept and treated as the Local Government directs during the remainder of the term of imprisonment ordered by the sentence: or if a medical officer certifies that it is necessary for the safety of the prisoner or others that he should be detained under care and treatment, then until he shall be discharged according to law.

Remand or discharge of lunatic becoming sane.

When it appears to the Local Government that such person has become of sound mind, the Local Government, by an order directed to the person having charge of him, shall remand him to the custody from which he was removed, if then still liable to be kept in custody, or, if not, shall order him to be discharged out of custody.

The provisions of section IX of Act No. XXXVI of 1858 *(relating to Lunatic Asylums)* shall apply to persons confined in a Lunatic Asylum under this section after the expiration of the imprisonment ordered by the sentence.

The time during which a person is confined in a Lunatic Asylum shall be reckoned as part of the term of imprisonment ordered by the sentence.

Delivery of lunatic to care of relative.

386. Whenever any relative or friend of any person detained under the provisions of section 383 is desirous that he shall be delivered over to his care and custody, the Local Government, upon the application of such relative or friend and on his giving security to the satisfaction of such Government that the person detained shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may make an order that the person so detained may be delivered to such relative or friend.

Whenever such person is so delivered over, it shall be upon condition that he shall be subject to the inspection of such officer as the Local Government thinks necessary to appoint, and at such times as such Government directs.

The provisions of section 384 shall apply to persons detained under the provisions of this section, and the certificate of the inspecting officer appointed under this section shall have the same effect as a certificate of the officer in charge of the jail, or the Visitors of Lunatic Asylums under the said section.

CHAPTER II.—*Contempts.*

Procedure in certain cases of contempt.

387. When any such offence as is described in section 175, 178, 179, 180 or 228 of the Indian Penal Code, is committed in the view or presence of any Civil, Criminal, or Revenue Court, the Court may cause the offender, whether he be a European British subject or not, to be detained in custody; and, at any time before the rising of the Court on the same day, may take cognizance of the offence; and adjudge the offender to punishment by fine not exceeding two hundred rupees, or by imprisonment in the civil jail for a period not exceeding one month, unless such fine be sooner paid.

In every such case the Court shall record the facts constituting the contempt, with any statement the offender may make, as well as the finding and sentence.

If the Court, in any case, considers that a person accused of any offence above referred to should be imprisoned, or that a fine exceeding two hundred rupees should be imposed upon him, such Court, after recording the facts constituting the contempt, and the statement of the accused person as before provided, shall forward the case to a Magistrate, or, if the accused person be a European British subject, to a Justice of the Peace, and shall cause bail to be taken for the appearance of such accused person before such Magistrate or Justice of the Peace, or, if sufficient bail be not tendered, shall cause the accused person to be forwarded under custody to such Magistrate or Justice of the Peace.

If the case be forwarded to a Magistrate, he shall proceed to try the accused person in the manner provided by this Act for trials before a Magistrate, and such Magistrate may adjudge the offender to punishment, as provided in the section of the Indian Penal Code under which he is charged.

If the case be forwarded to a Justice of the Peace, he shall enquire into the circumstances, and shall have the same powers of punishing the offender as are vested by section 47 in a Justice of the Peace, and may deal with the offender in the same manner as is provided in that behalf in the said section.

If such Justice of the Peace considers the offence to require a more severe punishment than he is competent to award under the said section, he may commit the offender to the High Court.

In no case tried under this section shall any Magistrate adjudge imprisonment or a fine exceeding two hundred rupees for any contempt committed in his own presence against his own Court.

388. When any Court has adjudged an offender to punishment, or forwarded him to a Magistrate or Justice of the Peace for trial for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may discharge the offender, or remit the punishment, on his submission to the order or requisition of such Court, or on apology being made to its satisfaction.

Discharge of offender on submission or apology.

389. When any such offence as is described in chapter X of the Indian Penal Code, except sections 175, 178, 179 and 180, is committed in contempt of the lawful authority of any Civil, Criminal, or Revenue Court, by a European British subject, such offence shall be cognizable only by a Magistrate who is a Justice of the Peace, and such Magistrate shall have the same powers of punishment for such offence as are vested by section 47 in a Justice of the Peace, and may deal with the offender on conviction in the same manner as is provided in that behalf in the same section.

Procedure when offender is a European British subject.

If such Magistrate considers the offence to require a more severe punishment than a Justice of the Peace is competent to award under the same section, he may commit the offender to the High Court.

PART IX.

PLEADING IN CRIMINAL CASES.

CHAPTER I.—*Of the Charge.*

390. The charge shall describe the imputed offence as nearly as possible in the language of the Indian Penal Code, and shall refer to the section under which such offence is punishable.

Offence how described.

391. Every charge shall be understood to assume, and no charge shall allege, the absence of circumstances showing that the case does not come within any of the general exceptions contained in chapter IV of the Indian Penal Code.

Assumption of absence of general exceptions under Penal Code.

392. The burden of proving the existence of such circumstances shall be upon the person accused.

Evidence as to general exceptions.

393. When the section referred to in the charge contains an exception not being one of such General Exceptions, the charge shall not be understood to assume the absence of circumstances constituting such exception so contained in the section, without a distinct denial of the existence of such circumstances.

Special ground of exception from absence of circumstances not to be assumed.

394. The charge may contain one or more heads.

Charge may contain several heads.

395. When a charge contains one head only, the form shall be as follows, or to the same effect:

Forms of charge.

(*a.*) I, *A* [*name and office of Magistrate, &c.,*] declare that there is hereby made against *Z* the charge—

(*b.*) That he, on or about the day of at , waged war against the Queen, and that he has thereby committed an offence punishable under section 121 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Penal Code, section 121.

(*d.*) And I hereby direct that *Z* be tried by the said Court on the said charge.

[*Signature and Seal of the Magistrate.*]

To be substituted for (*b*),

(2.) That he, on or about the day of at , with the intention of inducing the Honourable *A. B.*, a Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under section 124 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 124.

(3.) That he, being a public servant in the Department, directly accepted from [*state the name*] for another party [*state the name*] a gratification, other than legal remuneration, as a motive for his, the said *Z's* forbearing to do an official act, and that he has thereby committed an offence punishable under section 161 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 161.

(4.) That he, on or about the day of at , committed culpable homicide not amounting to murder, causing the death of , and that he has thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 304.

(5.) That he, on or about the day of at , abetted the commission of suicide by *A. B.*, a person in a state of intoxication, and that he has thereby committed an offence punishable under section 306 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 306.

(6.) That he, on or about the day of at , voluntarily caused grievous hurt to , and that he has thereby committed an offence punishable under section 325 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 325.

(7.) That he, on or about the day of at , committed robbery, and that he has thereby committed an offence punishable under section 392 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 392.

(8.) That he, on or about the day of at , committed dacoity, and that he has thereby committed an offence punishable under section 395 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 395.

And the same form shall be followed, as nearly as may be, in charges with one head only, under other sections of the Indian Penal Code.

396. When it appears to the Magistrate that the facts which can be established in evidence show a case falling within two or more sections of the Indian Penal Code, the charge shall contain two or more heads, each of which shall be applicable to one of such sections.

Charges in cases falling within several sections of Penal Code.

397. When it appears to the Magistrate that the facts which can be established in evidence show the commission of two or more offences falling within the same section of the Indian Penal Code, the charge shall contain two or more heads charging such offences respectively.

Charge where several offences punishable under same section.

398. When it appears to the Magistrate that the facts which can be established in evidence show a case falling within some one of two or more sections of the Indian Penal Code, but it is doubtful which of such sections will be applicable,

Charge in case of doubt as to section applicable, or offence proveable.

or show the commission of one of two or more offences falling within the same section of the said Code, but it is doubtful which of such offences will be proved,

the charge shall contain two or more heads, framed respectively under each of such sections, or charging respectively each of such offences accordingly.

399. When a charge contains more heads than one, the form shall be as follows, or to the same effect:—

Forms of charge containing several heads.

I, *A* [*name and office of Magistrate or other officer as aforesaid, &c.,*] declare that there is hereby made against *Z* the charge—

First:—That he, on or about the day of at , knowing a coin to be counterfeit, delivered the same to another person, by name *A. B.*, as genuine, and that he has thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Penal Code, sections 241 and 242.

Secondly:—That he, on or about the day of at , knowing a coin to be counterfeit, attempted to induce another person, by name *A. B.*, to receive it as genuine, and that he has thereby committed an offence punishable under section 242 of the Indian Penal Code, and within the cognizance of the Court of Session.

And I hereby direct that *Z* be tried by the said Court on the said charge.

[*Signature and Seal of the Magistrate.*]

First:—That he, on or about the day of at , committed murder by causing the death of , and that he has thereby committed an offence punishable under section 302 of the Indian Penal Code, and within the cognizance of the Court of Session.

On sections 302 and 304.

Secondly:—That he, on or about the day of at , by causing the death of , committed culpable homicide, and that he has thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session.

First:—That he, on or about the day of at , committed theft, and that he has thereby committed an offence punishable under section 379 of the Indian Penal Code, and within the cognizance of the Court of Session.

On sections 379 and 382.

Secondly:—That he, on or about the day of at , committed theft, having made preparation for causing death to a person in order to the committing of such theft, and that he has thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

Thirdly:—That he, on or about the day of at , committed theft, having made preparation for causing restraint to a person in order to the effecting of his escape after the committing of such theft, and that he has thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

Fourthly:—That he, on or about the day of at , committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and that he has thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

And the same form shall be followed, as nearly as may be, in charges with more heads than one, under other sections of the Indian Penal Code.

400. Any Court before which a trial is held may, at any stage of the trial, amend or alter the charge.

Amendment of charge.

401. If the amendment or alteration is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused person in his defence, it shall be at the discretion of the Court, after making the amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

When trial may proceed immediately after amendment.

402. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused person in his defence, the Court may either direct a new trial, or suspend the trial for such period as may be necessary to enable him to make his defence to the amended or altered charge; and, after hearing his defence, may further adjourn the trial, to admit of the appearance of any witness, whose evidence the Court may consider to be material to the case, or whom the accused person may wish to be summoned in his defence.

When new trial may be directed, or trial suspended.

403. In all cases of amendment or alteration of a charge, the accused person shall be allowed to recall and examine any witness who may have been examined.

Defendant may recall witnesses.

404. A person who has once been tried for an offence and convicted or acquitted of such offence, shall not be liable to be tried again for the same offence:

Person once convicted or acquitted not to be tried for same offence.

Provided that any person may be tried for the offence of culpable homicide and punished for that offence, notwithstanding he may have been tried and punished for the act which caused the death, if at the time of his conviction for the said act death has not resulted, or has not been known by the Court which passed sentence to have resulted.

Proviso as to culpable homicide.

405. If upon the trial of any person charged with the offence of criminal breach of trust under section 405 of the Indian Penal Code,

Person charged with criminal breach of trust may be found guilty of theft.

or of criminal breach of trust as a carrier, wharfinger or warehouse-keeper under section 407 of the said Code,

it is proved that such person took the property in question in any such manner as to amount to the offence of theft under section 378 of the said Code,

he shall not be entitled to be acquitted.

But the Court, or the jury in a case tried by jury, may find that such person is not guilty of the offence charged, but is guilty of the said offence under the said section 378.

Thereupon such person shall be liable to be punished in the same manner as if he had been found guilty upon a charge under the said section 378.

Person charged with criminal breach of trust as a servant may be found guilty of theft, or of theft as a servant.

406. If upon the trial of any person charged with the offence of criminal breach of trust as a clerk or servant under section 408 of the Indian Penal Code, it is proved that he took the property in question in any such manner as to amount to

the offence of theft under section 378 of the said Code,

or the offence of theft as a clerk or servant of property in possession of his master under section 381 of the said Code,

he shall not be entitled to be acquitted, but the Court, or the jury in a case tried by jury, may find that he is not guilty of the offence charged, but is guilty of the said offence under the said section 378, or section 381, as the case may be.

Thereupon he shall be liable to be punished in the same manner as if he had been found guilty upon a charge under such section.

Person charged with theft may be found guilty of misappropriation or breach of trust.

407. If upon the trial of any person charged with the offence of theft under section 378 of the Indian Penal Code, or the offence of theft in a building, tent or vessel under section 380 of the said Code, it is proved that he took the property in question in any such manner as to amount to

the offence of dishonest misappropriation of property under section 403 of the said Code,

or the offence of criminal breach of trust under section 405 of the said Code,

he shall not be entitled to be acquitted, but the Court, or the jury in a case tried by jury, may find that he is not guilty of the offence charged, but is guilty of the said offence under the said section 403, or section 405, as the case may be.

Thereupon he shall be liable to be punished in the same manner as if he had been found guilty upon a charge under such section.

Person charged with theft as a servant may be found guilty of misappropriation or breach of trust.

408. If upon the trial of any person charged with the offence of theft as a clerk or servant of property in the possession of his master, under section 381 of the Indian Penal Code, it is proved that he took the property in question in any such manner as to amount to any of the following offences:—

dishonest misappropriation of property under section 403 of the said Code,

dishonest misappropriation of property possessed by a deceased person at the time of his death under section 404 of the said Code,

such dishonest misappropriation under the said section 404, the offender being at the time of the person's decease employed by him as a clerk or servant,

criminal breach of trust under section 405 of the said Code,

criminal breach of trust as a clerk or servant under section 408 of the said Code,

he shall not be entitled to be acquitted, but the Court, or the jury in a case tried by jury, may find that he is not guilty of the offence charged, but is guilty of the offence under the said section 403, section 404, section 405 or section 408, as the case may be.

Thereupon he shall be liable to be punished in the same manner as if he had been found guilty upon a charge under such section.

No person convicted under the last four sections to be charged on same facts.

409. No person charged and tried for an offence under any section of the Indian Penal Code in the last four sections mentioned, and found guilty of another offence under the provisions of any other of the said sections of the Indian Penal Code, shall be liable to be afterwards prosecuted upon the same facts under the section under which he was charged, or under the section under which he was found guilty.

Withdrawal of remaining charges on conviction on one of several charges.

410. In trials before a Court of Session, when more charges than one are preferred against the same person, and when a conviction has been had on one or more of them, the Government Pleader or other officer conducting the prosecution may, with the consent of the Court, withdraw, or the Court of its own accord may suspend, the enquiry into the remaining charge or charges.

CHAPTER II.—*Of the Finding, Judgment and Sentence.*

Judgment to specify offence.

411. When the trial in any Criminal Court is concluded, the Court, in passing judgment, if the accused person be convicted, shall distinctly specify the offence of which, and the section of the Indian Penal Code under which, he is convicted;

Judgment in the alternative.

or if it be doubtful under which of two sections the offence falls, shall distinctly express the same, and pass judgment in the alternative, according to section 72 of the said Code.

Form of finding and sentence.

412. The finding and sentence shall be recorded in one of the following forms, or to the same effect:—

In trials by Jury:—

(*A.*)—*When the jury are unanimous:*

The jury are unanimous in finding that *Z* is guilty of the offence specified in the charge, namely, that *Z* has waged war against the Queen, and has thereby committed an offence punishable under section 121 of the Indian Penal Code; and the Court directs that the said *Z* be [*sentence.*]

2nd.—The jury are unanimous in finding that *Z* is not guilty of the offence specified in the charge, namely, that *Z* has waged war against the Queen, and has thereby committed an offence punishable under section 121 of the Indian Penal Code; and the Court directs that the said *Z* be discharged.

(*B*).—*When the jury are not unanimous, but such a majority as is required by section* 217 *concur in finding the accused guilty:*

3rd.—A majority (*stating the number, consisting of four out of five, or five or six out of seven, or six, seven, or eight out of nine, as the case may be*) find that *Z* is guilty of the offence specified in the charge, namely, that *Z* has, with the intention of inducing the Honourable *A. B.*, a Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under section 124 of the Indian Penal Code. The Court directs that the said *Z* be [*sentence.*]

(*C*).—*When the jury are not unanimous, but such a majority as is required by section* 217 *concur in finding the accused not guilty:*

4th.—A majority of the jury (*stating the number, as above*) find that *Z* is not guilty of the offence specified in the charge, namely, that *Z* has, with the intention of inducing the Honourable *A. B.*, a Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under section 124 of the Indian Penal Code. The Court directs that the said *Z* be discharged.

(*D*).—*When the jury, or such a majority as is required by section* 217, *concur in finding the accused guilty of an offence, but are doubtful under which of two heads of a charge the offence falls:*

5th.—The jury, or a majority of the jury (*stating the number, as above*) find that *Z* is guilty, either of the offence specified in the first head of the charge, or of the offence specified in the second head of the charge, namely, that *Z* has either committed theft, and has thereby committed an offence punishable under section 379 of the Indian Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under section 406 of the said Code. The Court directs that, under the provisions of the above-mentioned sections, and the provisions of section 72 of the Indian Penal Code, the said *Z* be [*sentence.*]

(*E*).—*When a majority less than the number required by section* 217 *find the accused guilty:*

6th.—A majority of not less than two-thirds of the jury (*stating the number, as above*) with the concurrence of the Judge, find that *Z* is guilty of the offence specified in the charge, namely, that he has committed, &c., &c. The Court directs that the jury be discharged, and that there be a new trial.

A similar form shall be followed if a verdict of not guilty is found by a majority less than is required by section 217.

(*F*).—*In trials with Assessors:*

7th.—The Court, concurring with the assessors (*or* one or more of the assessors), finds that *Z* is guilty of the offence specified in the charge, namely, that *Z* has committed the offence of rioting, and has thereby committed an offence punishable under section 147 of the Indian Penal Code; and the Court directs that the said *Z* be [*sentence.*]

8th.—The Court, differing from the assessors, finds that *Z* is not guilty of the offence specified in the charge, namely, that *Z* has committed the offence of rioting, and has thereby committed an offence punishable under section 147 of the Indian Penal Code; and the Court directs that the said *Z* be discharged.

9th.—The Court, concurring with one of the assessors, finds that *Z* is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge, namely, that *Z* has either committed theft, and has thereby committed an offence punishable under section 379 of the Indian Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under section 406 of the Indian Penal Code; and the Court directs that, under the provisions of the above-mentioned sections, and the provisions of section 72 of the Indian Penal Code, the said *Z* be [*sentence.*].

In trials upon a formal charge, without jury or the aid of assessors:

10th.—The Court finds that *Z* is guilty of the offence specified in the charge, namely, that *Z* has committed theft, and has thereby committed an offence punishable under section 379 of the Indian Penal Code; and the Court directs that the said *Z* be [*sentence.*]

11th.—The Court finds that *Z* is not guilty of the offence specified in the charge, namely, that *Z* has committed theft, and has thereby committed an offence punishable under section 379 of the Indian Penal Code; and the Court directs that the said *Z* be discharged.

In trials in which no formal charge has been prepared:

12th.—The Court finds that *Z* has used criminal force, and has thereby committed an offence punishable under section 353 of the Indian Penal Code, and directs that the said *Z* be [*sentence.*]

13th.—The Court finds that the complaint of assault is not proved, acquits *Z*, and directs that he be discharged.

Language of sentence.

413. Every sentence or final order of a Criminal Court, together with the reasons for making or passing the same, shall be written in the vernacular language of the presiding officer, and shall be dated and signed by such officer at the time of his making or passing the same.

The original shall be filed with the record of proceedings, and a translation thereof, where the original is recorded in a different language from that in ordinary use in proceedings before such officer, shall be incorporated in the record of the sentence or order.

When sentence may be written in English.

414. If the vernacular language of the presiding officer is not English, and he is sufficiently conversant with the English language to be able to write the sentence or final order in a clear and intelligible manner in that language, and prefers to write the same in that

language, the sentence or final order may be written in English.

CHAPTER III.—*Prosecutions in certain Cases.*

Prosecutions for offences against the State.

415. A charge of an offence punishable under chapter VI of the Indian Penal Code, except section 127, shall not be entertained by any Court, unless the prosecution be instituted by order of, or under authority from, the Governor General of India in Council, or the Local Government, or some officer empowered by the Governor General in Council to order or authorize such prosecution, or unless instituted by the Advocate General.

Prosecution of Judges and public servants.

416. A charge of an offence punishable under chapter IX of the Indian Penal Code, of which any Judge or any public servant not removeable from his office without the sanction of the Government, is accused as such Judge or public servant, shall not be entertained against such Judge or public servant, except with the sanction or under the direction of the Local Government, or of some officer empowered by the Local Government, or of some Court or other authority to which such Judge or public servant is subordinate, and whose power so to sanction or direct such prosecution the Local Government shall not think fit to limit or reserve.

Prosecution for contempts of the lawful authority of public servants.

417. A charge of any offence described in chapter X of the Indian Penal Code, not falling within section 163, shall not be entertained in any Criminal Court, except with the sanction or on the complaint of the public servant concerned, or of his official superior.

The prohibition contained in this section shall not apply to the offences described in sections 189 and 190 of the Indian Penal Code.

Prosecution for certain offences against public justice.

418. A charge of an offence against public justice, described in section 193, 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, 210, 211 or 228 of the Indian Penal Code, when such offence is committed before or against a Civil or Criminal Court, shall not be entertained in the Criminal Courts, except with the sanction of the Court before or against which the offence was committed, or of some other Court to which such Court is subordinate.

Such sanction may be given at any time.

Prosecution for certain offences relating to documents given in evidence.

419. A charge of an offence relating to documents described in section 463, 471, 475 or 476 of the Indian Penal Code, when the document has been given in evidence in any proceedings in any Court of Justice, shall not be entertained against a party to such proceedings, except with the sanction of the Court in which the document was given in evidence, or of some other Court to which such Court is subordinate.

Such sanction may be given at any time.

Procedure in cases mentioned in last three preceding sections.

420. When any Court, Civil or Criminal, is of opinion that there is sufficient ground for investigating any charge mentioned in the last three preceding sections, the Court, after making such preliminary enquiry as may be necessary, may send the case for investigation to any Magistrate having power to try or commit for trial the accused person for the offence charged.

Such Magistrate shall thereupon proceed according to law, and the Court may send the accused person in custody or take sufficient bail for his appearance before such Magistrate, and may bind over any person to appear and give evidence on such investigation.

Power of Court of Session as to such offences committed before it.

421. A Court of Session may charge a person for any such offence committed before it or under its own cognizance if the offence be triable by the Court of Session exclusively, and may commit or hold to bail and try him upon its own charge.

In such case the Court of Session shall have the same power of summoning and causing the attendance at the trial of any witnesses for the prosecution or for the defence as is vested in a Magistrate by this Act.

Such Court may direct the Magistrate to cause the attendance of such witnesses on the trial.

Power of Civil Courts to complete investigation and commit to Court of Session.

422. In any case triable by the Court of Session exclusively, any Civil Court before which any such offence was committed may, instead of sending the case for investigation to a Magistrate, complete the investigation itself, and commit or hold to bail the accused person to take his trial before the Court of Session.

For the purposes of investigation under this section, the Civil Court may exercise all the powers of a Magistrate.

Procedure of Civil Court in such cases.

423. When any such commitment is made by order of a Civil Court, the Court shall frame a charge in the manner hereinafter provided, and shall send the same with the order of commitment and the record of the case to the Magistrate of the District or other officer exercising any of the powers of a Magistrate, and such Magistrate or other officer as aforesaid shall bring the case before the Court of Session, together with the witnesses for the prosecution and defence.

Court may exercise all powers of Magistrate as to binding over persons to give evidence.

424. Whenever any Court of Justice commits or holds to bail any person for trial under the last three preceding sections, it may also bind over any person to give evidence, and for that purpose may exercise all the powers of a Magistrate.

Procedure where offence triable only by Session Court is committed before Magistrate not empowered to commit to such Court.

425. If any such offence, triable by the Court of Session exclusively, be committed before a Magistrate not empowered to commit for trial before a Court of Session, he shall send the case to a Magistrate competent to make such commitment, who shall proceed to pass such order in the case as he thinks fit.

Prosecution for adultery.

426. A charge of an offence under section 497 of the Indian Penal Code shall not be instituted, except by the husband of the woman.

Prosecution for enticing away a married woman.

427. A charge of an offence under section 498 of the Indian Penal Code shall not be instituted, except by the husband of the woman or by the person having care of such woman on behalf of her husband.

PART X.

PREVENTIVE JURISDICTION OF MAGISTRATES.

CHAPTER I.—*Of Security for keeping the Peace.*

Personal recognizance to keep the peace in cases of conviction.

428. Whenever a person charged with rioting, assault, or other breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, is convicted of such charge before any Court of Session or the Magistrate of the District or a Magistrate in charge of a division of a District or other officer exercising the powers of a Magistrate,

and the Court or Magistrate or other officer as aforesaid by which or by whom the accused person is convicted, or the Court or Magistrate or other officer as aforesaid by which or by whom the final sentence or order in the case is passed, is of opinion that it is just and necessary to require a personal recognizance for keeping the peace from the person so convicted,

the Court or Magistrate or other officer as aforesaid so convicting the accused person, or so passing the final sentence or order as aforesaid, may, in addition, direct that the person so convicted be required to execute a formal engagement, in a sum proportionate to his condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding one year if the sentence or order be passed by a Magistrate, or three years if the sentence or final order be passed by a Court of Session:

If the accused person be sentenced to imprisonment, the period for which he may be required to execute a recognizance shall commence when he is released.

Where convicting officer has not powers of Magistrate.

When any accused person is convicted of any offence specified in this section by an officer not exercising the powers of a Magistrate, such officer, if he consider it just and necessary to require a personal recognizance for keeping the peace from the person so convicted, shall report the case to the Magistrate of the District, or other officer exercising the powers of a Magistrate to whom such officer is subordinate, who shall deal with the case as if the conviction had been before himself.

Security to keep the peace.

429. Whenever it appears necessary to require security for keeping the peace, in addition to the personal recognizance of the party so convicted, the Court or Magistrate or other officer as aforesaid, empowered to require a personal recognizance, may require security in addition thereto and fix the amount of the security-bond to be executed by the surety or sureties; with a provision that, if the same be not given, the party required to find the security shall be kept in custody for any time not exceeding one year if the order be passed by the Magistrate of the District or other officer exercising the powers of a Magistrate, or three years if the order be passed by the High Court or by a Court of Session.

Summons to any person to show cause why he should not give bond to keep peace.

430. The Magistrate of the District or other officer exercising the powers of a Magistrate, whenever he receives credible information that any person, whether a European British subject or not, is likely to commit a breach of the peace, or to do any act that may probably occasion a breach of the peace, may summon him to attend at a time and place mentioned in the summons, to show cause why he should not be required to enter into a bond to keep the peace with or without sureties as such Magistrate thinks fit.

Form of summons.

431. The summons shall set forth the substance of the information, the amount of the bond, and the term for which it is to be in force, and, if security is called for, the number of sureties required, and the amount in which they are to be bound respectively.

Such summons shall be served in the manner provided by this Act for the service of a summons on an accused person.

Penalty of bond.

432. The bond shall be in the Form (D) given in the appendix or to the like effect, and its penalty shall be fixed with a due regard to the circumstances of the case and the means of the party.

The amount in which the sureties shall be bound shall not exceed the penalty.

Warrant of arrest.

433. If the person summoned does not attend on the day appointed, the Magistrate or other officer as aforesaid, if satisfied that the summons has been duly served, may issue a warrant for his arrest:

Provided that, whenever it appears to the Magistrate or other officer as aforesaid, upon the report of a Police officer or upon other credible information (the substance of which report or information shall be recorded), that there is just reason to fear the commission of a breach of the peace, which may probably be prevented by the immediate arrest of any person, the Magistrate or other officer may at any time issue a warrant for his arrest.

Magistrate may dispense with personal attendance of person informed against.

434. The Magistrate or other officer as aforesaid may, if he see sufficient cause, dispense with the personal attendance of the person informed against and permit him to appear and enter into the required security, or show cause against such requisition, by an agent duly authorized to act in his behalf.

Discharge of person informed against.

435. If on the appearance of the person informed against, or of his agent, if he is permitted to appear by agent, the Magistrate or other officer as aforesaid is not satisfied that there is occasion to bind such person to keep the peace, the Magistrate or other officer as aforesaid shall direct his discharge.

436. If the Magistrate or other officer as aforesaid is satisfied that it is necessary for the preservation of the peace to take a bond from such person with or without security, he shall make an order accordingly; and if the person fails to comply with the order, the Magistrate or other officer as aforesaid may commit him to jail.

Non-compliance with order to give bond.

437. The period for which the Magistrate or other officer as aforesaid may bind a person to keep the peace with or without security, shall not exceed one year.

Time for which person may be bound to keep peace.

When a person is committed to jail under section 436, he shall not be detained by authority of the Magistrate or other officer as aforesaid beyond the term of one year, and shall be released whenever within that term he complies with the order.

Limit of imprisonment under section 436.

438. Whenever it appears to the Magistrate or other officer as aforesaid that it is necessary for the preservation of the peace to bind a person beyond the term of one year, he may, before the expiration of the first year, record his opinion to that effect and the grounds thereof, and may refer the case for the orders of the Court of Session.

Extension of time for which person may be bound.

Such Court, after examining the proceedings of the Magistrate or other officer as aforesaid and making such further enquiry as it thinks necessary, may, if it see cause, authorize the Magistrate or other officer as aforesaid to extend the term for a further period not exceeding one year.

If the person fails to give a bond, with security if required, for his keeping the peace for such further period as the Magistrate or other officer as aforesaid directs under the orders of the Court of Session, he may be kept in confinement for such further period or until within that period he gives such bond.

439. The Magistrate or other officer as aforesaid may, if he see sufficient cause, discharge any recognizance and surety for keeping the peace taken under the preceding sections, and may order the release of the person confined for default in entering into such recognizance or giving such security.

Discharge of recognizances.

440. A surety for the personal appearance of another person may at any time apply to the Magistrate or other officer as aforesaid, to be relieved from his engagement as surety.

Discharge of sureties.

On such application being made, the Magistrate shall issue his summons or warrant in order that the person for whom such surety is bound may appear or be brought before him.

On the appearance of the person to such warrant or on his voluntary surrender, the Magistrate or other officer as aforesaid shall direct the engagement of the surety to be cancelled, and shall call upon such person to give fresh security, and in default thereof shall commit him to custody.

441. Whenever it is proved before the Magistrate or other officer as aforesaid that any recognizance or other bond taken under this chapter has been forfeited, he shall record the grounds of such proof, and shall call upon the person bound by the bond to pay the penalty thereof, or to show cause why it should not be paid.

Recovery of penalty from principal.

If sufficient cause be not shown and the penalty be not paid, the Magistrate or other officer as aforesaid shall proceed to recover the same by the attachment and sale of any of the moveable property belonging to the person bound thereby which is found within the jurisdiction of the Magistrate of the District.

If the penalty be not paid and cannot be recovered by such attachment and sale, the party shall be liable to imprisonment by order of the Magistrate or other officer as aforesaid in the civil jail for a period not exceeding six months.

442. Whenever it is proved before the Magistrate or other officer as aforesaid that any bond with a surety has been forfeited, the Magistrate or other officer as aforesaid may at his discretion give notice to the surety to pay the penalty to which he has thereby become liable, or to show cause why it should not be paid.

Recovery of penalty from surety.

If no sufficient cause is shown, and the penalty is not paid, the Magistrate or other officer as aforesaid may proceed to recover payment of the penalty from such surety in the same manner as from the principal party.

CHAPTER II.—*Of Security for Good Behaviour.*

443. Whenever it appears to the Magistrate of the District or to an officer exercising the powers of a Magistrate that any person is lurking within his jurisdiction not having any ostensible means of subsistence, or who cannot give a satisfactory account of himself, such Magistrate or other officer as aforesaid may require security for his good behaviour for a period not exceeding six months.

When Magistrate may require security for good behaviour for six months.

444. Whenever it appears to such Magistrate or other officer as aforesaid, from the evidence as to general character adduced before him, that any person is by repute a robber, house-breaker, or thief,

When Magistrate may require security for good behaviour for one year.

or a receiver of stolen property, knowing the same to have been stolen,

or of notoriously bad livelihood,

such Magistrate or other officer as aforesaid may require security for his good behaviour for a period not exceeding one year.

445. Whenever it appears to such Magistrate or other officer as aforesaid, from the evidence as to general character adduced before him, that any person is by habit a robber, house-breaker, or thief,

Procedure where security required for more than one year.

or a receiver of stolen property, knowing the same to have been stolen,

or of a character so desperate and dangerous as to render his release, without security, at the expiration of the limited period of one year, hazardous to the community,

the Magistrate or other officer as aforesaid shall record his opinion to that effect, with an order specifying the amount of security which should, in his judgment, be required from such person, as well as the number of sureties, and the period, not exceeding three years, for which the sureties should be responsible for such person's good behaviour.

446. If the person so required to furnish security, does not furnish the same, the proceedings shall be laid, as soon as conveniently may be, before the Court of Session.

Proceedings to be laid before Court of Session.

Such Court, after examining them and requiring any further information or evidence which it judges necessary, may pass orders on the case, either confirming, modifying or annulling the orders of the Magistrate or other officer as aforesaid as it judges proper.

447. If the Court of Session does not think it safe to direct the immediate discharge of such person, it shall fix a limited period for his detention, not exceeding three years, in the event of his not giving the security required from him.

Court of Session may require security for period not exceeding three years.

448. Whenever security for good behaviour is required by the Court of Session or the Magistrate or other officer as aforesaid, the amount of the security, the number of sureties, and the period of time for which the sureties are to be responsible for the good conduct of the person required to furnish security, shall be stated in the order.

Contents of order for security.

The security-bond shall be in the Form (F) given in the appendix, or to the like effect.

449. In the event of any person required to give security under the provisions of the foregoing sections, failing to furnish the security so required, he shall be committed to prison until he furnish the same.

Imprisonment in default of security.

Provided that no such person shall be kept in prison for a longer period than that for which the security has been required from him.

Term of imprisonment.

Imprisonment under this section may be rigorous or simple, as the Court of Session in each case directs.

450. The Magistrate of the District or other officer exercising the powers of a Magistrate is empowered, at any time, to exercise his discretion in releasing, without reference to any other authority, any prisoner confined under requisition of security for good behaviour, whether by his own order or by the order of any officer subordinate to him, provided he is of opinion that such person can be released without hazard to the community.

Release of prisoners under requisition of security.

451. Whenever a Magistrate or other officer as aforesaid is of opinion that any person confined under requisition of security for good behaviour by order of a Court of Session, can be safely released without such security, the Magistrate or other officer as aforesaid shall make an immediate report of the case for the orders of the Court which shall have required the person to furnish the security.

Report in case of prisoner under requisition of security by order of Court of Session.

452. A surety for the good behaviour of a person may at any time apply to the Magistrate or other officer as aforesaid to be relieved from his engagement as surety.

Discharge of surety.

On such application being made, the Magistrate or other officer as aforesaid shall issue his summons or warrant in order that such person may appear or be brought before him.

On the appearance of such person pursuant to the warrant or on his voluntary surrender, the Magistrate or other officer as aforesaid shall direct the engagement of the surety to be cancelled, and shall call upon the person so appearing or surrendering to give fresh security, and, in default thereof, shall commit him to custody.

453. Whenever the Magistrate or other officer as aforesaid is of opinion that, by reason of an offence proved to have been committed by the person for whose good behaviour security has been given, subsequent to his having given such security, proceedings should be had upon the bond executed by the surety, he shall give notice to the surety to pay the penalty, or to show cause why it should not be paid.

Recovery of penalty from sureties.

If no sufficient cause be shown, the Magistrate or other officer as aforesaid shall proceed to recover the penalty from such surety by the attachment and sale of any moveable property belonging to him which may be found within the jurisdiction of the Magistrate of the District.

If the penalty be not paid, and cannot be recovered by such attachment and sale, the surety shall be liable to imprisonment by order of the Magistrate or other officer as aforesaid in the civil jail, for a period not exceeding six months.

454. The provisions of sections 431 and 433 relating to the issue of summons and warrant of arrest for securing the personal attendance of the party informed against, shall apply to proceedings taken under this chapter against persons required to give security for their good behaviour.

Issue of summons and warrant of arrest.

455. Any evidence taken under Part X, chapter I or this chapter, shall be taken as in cases usually heard by a Magistrate upon summons.

Manner of taking evidence under Part X, chapter I or this chapter.

CHAPTER III.—*Local Nuisances.*

456. Any Magistrate, by a written order, may direct any person to abstain from a certain act, or to take certain order with certain property in his possession, or under his management, whenever such

Magistrate may issue orders to prevent obstructions, danger to human life, or riots.

Magistrate considers that such direction is likely to prevent, or tends to prevent,

obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed,

or danger to human life, health, or safety,

or a riot or an affray.

Magistrate may prohibit repetition or continuance of public nuisances.

457. Any Magistrate may enjoin any person not to repeat or continue a public nuisance as defined in section 268 of the Indian Penal Code.

No appeal shall lie from an order made under this section.

Magistrate may order removal of nuisances.

458. Whenever the Magistrate of a District or of a division of a District, considers that any unlawful obstruction or nuisance should be removed from any thoroughfare or public place,

or that any trade or occupation, by reason of its being injurious to the health or comfort of the community, should be suppressed or should be removed to a different place,

or that the construction of any building or the disposal of any combustible substance, as likely to occasion conflagration, should be prevented,

or that any building is in such a state of weakness that it is likely to fall, and thereby cause injury to persons passing by, and that its removal in consequence is necessary,

or that any tank or well adjacent to any public thoroughfare should be fenced in such a manner as to prevent danger arising to the public—

he may issue an order to the person causing such obstruction or nuisance, or carrying on such trade or occupation, or being the owner or in possession of, or having control over, such building, substance, tank, or well as aforesaid, calling on him, within a time to be fixed in the order,

to remove such obstruction or nuisance,

or to suppress or remove such trade or occupation,

or to stop the construction of such building,

or to remove it,

or to alter the disposal of such substance,

or to fence such tank or well (as the case may be),

or to appear before himself or some other officer exercising the powers of a Magistrate or of a Subordinate Magistrate of the First Class within the time mentioned in the order, and show cause why such order should not be enforced.

Service or notification of order.

459. Such order shall, if practicable, be served personally on the person to whom it is issued.

But if personal service is found to be impracticable, the order shall be notified by proclamation, and a written notice thereof shall be stuck up at such place or places as may be best adapted for conveying the information to such person.

Person ordered shall obey, or may claim a jury.

460. The person to whom such order is issued shall be bound, within the time specified in the order, to obey the same or to appear before the Magistrate before whom he was required by the order to appear to show cause as aforesaid, or he may apply to such Magistrate for an order for a jury to be appointed to try whether the order is reasonable and proper.

Constitution of jury.

On receiving such application, the Magistrate shall forthwith appoint a jury consisting of an odd number of persons not less than five, of whom the foreman and one-half of the remaining members shall be nominated by such Magistrate, and the other members by the applicant.

Suspension of order.

The execution of the order shall be suspended pending such enquiry, and the Magistrate who issued the order shall be guided by the decision of the jury, which shall be according to the opinion of the majority.

Procedure in case of non-appointment of or neglect by jury.

If the applicant, by neglect or otherwise, prevents the appointment of a jury, or if from any cause the jury so appointed does not decide and report within a reasonable time to be fixed in the order for the appointment, their functions shall cease from the date of the expiration of such period, unless they be continued by special order of the Magistrate.

If from any of the above causes no decision be made by the jury, the order of the Magistrate may be carried into effect as hereinafter provided.

Procedure in case of disobedience or neglect by person ordered.

461. If the person to whom the order mentioned in section 458 is issued does not obey such order,

or show cause against the same as hereinafter provided,

or apply for a jury within the time specified in such order,

he shall be liable to the penalty prescribed in that behalf in section 188 of the Indian Penal Code;

and the Magistrate who issued such order may proceed to carry it into execution at the expense of such person, and may realize such expenses, either by the sale of any building, goods, or other property removed by his order, or by the distress and sale of the moveable property of the person aforesaid.

No suit shall lie in respect of anything necessarily or reasonably done to give effect to such order.

Procedure where jury finds Magistrate's order to be reasonable.

462. If in a case referred to a jury, the jury find that the order of the Magistrate is reasonable and proper, the Magistrate who issued the order shall give notice of such finding to the person to whom the order was issued, and shall add to such notice an order to obey the order first mentioned within a time to be fixed in the notice and an intimation that, in case of disobedience, he will be liable to the penalty provided by section 188 of the Indian Penal Code.

If such latter order is not obeyed, the Magistrate may proceed as in section 461.

Procedure where person ordered satisfies Magistrate that order is not reasonable.

463. If the person to whom the order of the Magistrate is issued appears and shows cause against it, so as to satisfy the Magistrate who issued it that it is not reasonable and proper, no further proceedings shall be taken in the case.

Injunction pending enquiry by jury.

464. If, pending the enquiry by a jury, the Magistrate who issued the order considers that immediate measures are necessary to be taken to prevent imminent danger or injury of a serious kind to the public, he may issue such an injunction to the person mentioned in that behalf in section 458, as is required to obviate or prevent such danger or injury.

In default of such person forthwith taking all necessary measures ordered to be taken by such injunction, the Magistrate may himself use or cause to be used such means as may be necessary to obviate such danger or to prevent such injury.

No suit shall lie in respect of anything necessarily or reasonably done for that purpose.

Saving of certain statutory provisions.

465. Nothing in this chapter shall interfere with the provisions of section XLVIII of Act No. XXIV of 1859 *(for the better regulation of the Police within the territories subject to the Presidency of Fort St. George)*, or of section XXXIV of Act No. V of 1861 *(for the regulation of Police)*, or of section XVI of Act No. VIII of 1867 of the Governor of Bombay in Council.

CHAPTER IV.—*Possession.*

Magistrate how to proceed if any dispute concerning land, &c., is likely to cause breach of the peace.

466. Whenever the Magistrate of the District or other officer exercising the powers of a Magistrate is satisfied that a dispute, likely to induce a breach of the peace, exists concerning any land, houses, water, fisheries, crops or other produce of land, within the limits of his jurisdiction, he shall record a proceeding stating the grounds of his being so satisfied, and shall call on all parties concerned in such dispute to attend his Court in person, or by agent, within a time to be fixed by the Magistrate or other officer as aforesaid, and to give in a written statement of their respective claims, as respects the fact of actual possession of the subject of dispute.

Party in possession to be continued until ousted by due course of law.

The Magistrate or other officer as aforesaid shall, without reference to the merits of the claims of any party to a right of possession, proceed to enquire and decide which party is in possession of the subject of dispute, or if the parties are in joint possession, what is the share of which each party is in possession.

After satisfying himself upon that point, he shall issue an order declaring the party or parties to be entitled to retain possession until ousted by due course of law, and forbidding all disturbance of possession until such time.

If previous possession cannot be ascertained, Magistrate may attach subject of dispute.

467. If the Magistrate or other officer as aforesaid decides that neither of the parties is in possession, or is unable to satisfy himself as to which person is in possession, of the subject of dispute, he may attach it until a competent civil Court shall have determined the rights of the parties or who ought to be in possession.

Disputes concerning right of use of land or water.

468. If a dispute arise concerning the right of use of any land or water, the Magistrate or other officer as aforesaid within whose jurisdiction the subject of dispute lies, may enquire into the matter; and if it appear to him that the subject of dispute is open to the use of the public, or of any person or of any class of persons, the Magistrate or other officer may order that possession thereof shall not be taken or retained by any one to the exclusion of the public, or of such person, or of such class of persons, as the case may be, until the person claiming such possession shall obtain the decision of a competent Court adjudging him to be entitled to such exclusive possession.

Provided that the Magistrate or other officer as aforesaid, shall not pass any such order if the matter be such that the right of use is capable of being exercised at all times of the year, unless that right has been ordinarily exercised within three months from the date of the institution of the enquiry, or, in cases where the right of use exists at particular seasons, unless such right has been exercised during the last of such seasons before the complaint.

Local enquiry to determine boundary dispute.

469. Whenever a local enquiry is necessary to determine a boundary dispute or a contested right of possession, any officer exercising the full powers of a Magistrate, may depute any Assistant or other officer subordinate to him to make the enquiry, and may furnish him with such instructions, consistent with the law for the time being in force, as may seem necessary for his guidance, and may declare by whom the whole or any part of the necessary expenses of the enquiry shall be paid.

Saving of powers of Collectors and Revenue Courts.

470. Nothing in this chapter shall affect the powers of a Collector or a person exercising the powers of a Collector or of a Revenue Court.

CHAPTER V.—*Of the Maintenance of Wives and Families.*

Order for maintenance of wives and children.

471. If any person having sufficient means neglects or refuses to maintain his wife or legitimate or illegitimate child unable to maintain himself, the Magistrate of the District or other officer exercising the powers of a Magistrate may, upon due proof thereof, order him to make a monthly allowance for the maintenance of his wife or such child at such monthly rate, not exceeding fifty rupees in the whole, as to the Magistrate or other officer as aforesaid seems reasonable.

Enforcement of order.

If such person wilfully neglects to comply with this order, the Magistrate or other officer as aforesaid may, for every breach of the order, by warrant, direct the amount due to be levied in the manner provided for levying fines; or may order him to be imprisoned with or without hard labour for any term not exceeding one month:

Provided that, if such person offers to maintain his wife on condition of her living with him, and his wife refuses to live with him, the Magistrate or other officer as aforesaid may consider any grounds of refusal stated by such wife; and may make the order allowed by this section notwithstanding such offer, if he is satisfied that such person is living in adultery, or that he has habitually treated his wife with cruelty.

Proviso.

No wife shall be entitled to receive an allowance from her husband under this section, if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband.

472. On the application of any person ordered to pay a monthly allowance under the provisions of section 471, and on proof of a change in the circumstances of such person, his wife, or child, the Magistrate may make such alteration in the allowance ordered as he deems fit.

Alteration in allowance.

PART XI.

MISCELLANEOUS PROVISIONS.

Miscellaneous.

473. The procedure prescribed by this Act shall be followed, so far as it can be, in all miscellaneous criminal cases and proceedings which, after this Act comes into force, are instituted in any Court.

Procedure in miscellaneous criminal cases and proceedings.

474. Nothing in this Act shall be held to alter or affect the jurisdiction or procedure of the Commissioner of Police, the Police Magistrates, or the Police of the Towns of Calcutta, Madras and Bombay, except so far as this Act expressly provides for the same.

Saving of jurisdiction of Presidency Police Magistrates.

475. Nothing in this Act shall be held to alter or affect

Saving of jurisdiction and procedure of Landholders, Heads of Villages, Village Police Officers, Cantonment Magistrates.

(*a*) the jurisdiction, duties, or procedure of landholders specially empowered according to law in the Presidency of Bombay,

(*b*) the jurisdiction or procedure of the Heads of Villages in the Presidency of Fort Saint George,

(*c*) the jurisdiction, duties, or procedure of Village Police Officers in the Presidency of Bombay,

(*d*) the jurisdiction or procedure of any officer duly authorized and appointed under the laws in force in the Presidencies of Fort Saint George and Bombay respectively, for the trial of petty offences in Military bázárs at cantonments and stations occupied by the troops of those Presidencies respectively.

APPENDIX OF FORMS.

A.

FORM OF SUMMONS (*section* 106).

To *A. B.*, of

Whereas your attendance is necessary to answer to a charge of (*state shortly the offence charged*): You are hereby required to appear in person or by authorized agent, as the case may be, before the [Magistrate] of on the day of . Herein fail not.

(*Signature and Seal.*)

Dated the day of

B.

FORM OF WARRANT (*section* 113).

To (*name and designation of the person or persons who are to execute the warrant*).

Whereas of stands charged with the offence of (*state the offence*): You are hereby directed to apprehend the said and produce him before me. Herein fail not.

(*Signature and Seal.*)

This warrant may be endorsed as follows:—

If the said shall give bail, himself in the sum of with one surety in the sum of (*or* two sureties each in the sum of) to appear before me on the day of he may be released.

(*Signature.*)

Dated

C.

FORM OF WARRANT OF COMMITMENT (*section* 222).

To Jailor of

Whereas of is charged with (*state the offence in respect of which the prisoner is charged, and the authority of the committing officer*):

You are hereby required to receive the said into your custody in the said jail of and him there safely to keep until he shall be thence delivered by due course of law.

(*Signature.*)

Dated the day of

D.

FORM OF BOND TO KEEP THE PEACE (*section* 432).

Whereas I inhabitant of have been called upon to enter into a bond to keep the peace for the term of , I hereby bind myself not to commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees.

(*Signature.*)

Dated

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

I hereby declare myself surety for the above-said that he shall not commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the sum of rupees.

(*Signature.*)

Dated .

E.

FORM OF RECOGNIZANCE TO PROSECUTE OR GIVE EVIDENCE (*sections* 88 and 321).

I of do hereby bind myself to appear at in the Court of at o'clock on the day of next, and then and there to prosecute (*or, as the case may be*, to prosecute and give evidence, *or* to give evidence) in the matter of a charge of against one *A. B.*; and in case of my making default herein, I bind myself to forfeit to Her Majesty the sum of rupees.

F.

FORM OF BOND FOR GOOD BEHAVIOUR (*section* 448).

Whereas I inhabitant of have been called to enter into a bond to be of good behaviour to Her Majesty the Queen, and to all her subjects, for the term of , I hereby bind myself to be of good behaviour to Her Majesty and to all her subjects during the said term, and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees.

Dated

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

I hereby declare myself surety for the above-said that he shall be of good behaviour to Her Majesty and to all her subjects during the said term; and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the sum of rupees.

SCHEDULE I.

ENACTMENTS REPEALED.

PART I.—STATUTE.

Year and Chapter.	Title.	Extent of repeal.
53 Geo. iii, cap. clv.	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's Charter.	Section one hundred and five.

PART II.—ACTS.

Number and Year.	Subject or Title.	Extent of repeal.
XV of 1843	An Act for the more extensive employment of Uncovenanted Agency in the Judicial Department.	Sections three, four, five and six.
XV of 1845	An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of Judicial and Revenue proceedings.	So much as has not been repealed.
XXIX of 1845.	An Act to empower the Government of Bombay to appoint Joint Zillah Judges or Joint Session Judges.	So much as has not been repealed.
I of 1849	An Act to provide more effectually for the punishment of offences committed in Foreign States.	The whole Act.
VII of 1853	An Act to extend the jurisdiction of Magistrates, under the 53rd Geo. iii, Cap. 155, Section 105, in cases of assaults, forcible entries, and other injuries accompanied with force, not being felonies.	The whole Act.
X of 1854	An Act for regulating the powers of Assistants to Magistrates, and of Deputy Magistrates appointed under Act XV of 1843.	So much as has not been repealed.
XX of 1856	An Act to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs and Bazaars in the Presidency of Fort William in Bengal.	Section fifty-eight.
XXV of 1861	An Act for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.	So much as has not been repealed.
XVII of 1862	An Act to repeal certain Regulations and Acts relating to Criminal Law and Procedure.	So much as has not been repealed.
XXVIII of 1867.	An Act to remove doubts as to the legality of certain sentences passed by tribunals, called Petty Sessions Courts, in the North-Western Provinces.	The whole Act.
XXXVI of 1867.	An Act to correct an error in Act No. XVII of 1862.	
VIII of 1869	An Act further to amend the Code of Criminal Procedure.	The whole Act.
XXVII of 1870.	To amend the Indian Penal Code.	Sections sixteen and seventeen, and the two schedules.

PART III.—REGULATIONS.

BENGAL REGULATIONS.

Number and Year.	Title.	Extent of repeal.
IX of 1793...	A Regulation for re-enacting with Alterations and Modifications, the Regulations passed by the Governor General in Council on the 3rd December 1790, and subsequent Dates, for the Apprehension and Trial of Persons charged with Crimes or Misdemeanors.	Sections three and thirty-four.
XVI of 1810	A Regulation to amend the existing Rules for the Appointment of Zillah and City Magistrates; to provide for the Appointment of Joint and Assistant Magistrates; and to alter the Provisions in force for the Payment of a fixed Reward on the Conviction of Public Offenders.	So much as has not been repealed.
XVII of 1829	A Regulation for declaring the practice of Suttee, or of Burning or Burying alive the Widows of Hindoos, illegal, and punishable by the Criminal Courts.	Section three, clause one, from and including the words "and any zemindar" to the end of the clause. Clauses two and three.
	MADRAS REGULATIONS.	
IX of 1813...	A Regulation for reducing into one Regulation certain Rules which have been passed regarding the Office of the Zillah Magistrate, for modifying and defining his Powers, and for transferring the Office of Zillah Magistrate from the Judge to the Collector of the Zillah.	Sections three, four and five.
II of 1827...	A Regulation for constituting the Assistant Judges appointed under Regulation I, 1827, Joint Criminal Judges of the Zillahs in which they may be stationed, and for defining the Extent to which the Powers of Magistrate shall be exercised by Subordinate Collectors.	Section five.

PART III,—*continued.*

Number and Year.	Title.	Extent of repeal.
VIII of 1827	A Regulation for granting to Native Judges Jurisdiction in Criminal Cases.	So much as has not been repealed.
I of 1830 ...	A Regulation for declaring the Practice of Suttee, or of burning or burying alive the widows of Hindoos, illegal, and punishable by the Criminal Courts.	The preamble. Section three, clause one, from "and any zemindar" to the end; clauses two and three. And sections four and five.
	BOMBAY REGULATIONS.	
XII of 1827	A Regulation for the establishment of a system of Police throughout the Zillahs subordinate to Bombay, for providing Rules for its Administration, and for defining the Duties and Powers of all Police Authorities and Servants.	Section ten, clause four.
XIII of 1827	A Regulation for defining the Constitution of Courts of Criminal Justice, and the Functions and Proceedings thereof.	Sections one, two, three, seven, eight, nine, fourteen, fifteen, clause one. Sections twenty-seven and twenty-eight.
III of 1830	A Regulation rescinding Regulations VIII. and XII. of 1828, and vesting the Criminal Judges with the Powers and Functions of Session Judges.	Sections two and six.
IV of 1830...	A Regulation rescinding such Parts of Regulation XII. of 1827 as vest the Criminal Judge with Police Jurisdiction of the Magistrate and his Assistants.	Section two.

SCHEDULE II.

Explanatory Notes.—1*st.*—The entries in the second and sixth columns of the schedule, headed respectively "*Offence*" and "*Punishment*" under the Indian Penal Code," are not intended as definitions of the offences and punishments described in the several corresponding sections of the Indian Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column.

2*nd.*—The term "Whether bailable or not," in column five, is to be taken in connection with the provisions of sections 212 and 213 of this Code.

3*rd.*—Offences may be tried by a Court superior to the Court specifically mentioned in column seven as triable by a Magistrate. For example, a Court of Session may try an offence entered in column seven as include any officer exercising the powers of a Magistrate.

4*th.*—The words "Magistrate of the District," as used in column seven, shall include any Subordinate Magistrate of the first or second class.

5*th.*—The words "any Magistrate," as used in column seven, shall include any Subordinate Magistrate, Officers as the Local Government of those territories respectively shall appoint.

6*th.*—In the territories in British India to which the General Regulations of Bengal, Madras and Bombay do not extend, the powers given by this Act shall be exercised by such

7*th.*—The last part of this schedule headed "Offences against *other Laws*" shall not be taken to alter or affect any special provision contained in such laws regarding the procedure to be followed in the case of offences made punishable thereby.

CHAPTER V—OF ABETMENT.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons shall ordinarily issue for the offence abetted.	According as the offence abetted is bailable or not.	The same punishment as for the offence abetted.	By the Court by which the offence abetted is triable.
110	Abetment of any offence if the person abetted does the act with a different intention from that of the abettor.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
111	When one act is abetted and a different act is done, subject to the proviso.	Ditto ...	Ditto ...	Ditto ...	The same punishment as for the offence intended to be abetted.	Ditto.
113	When an effect is caused by the act abetted different from that intended by the abettor.	Ditto ...	Ditto ...	Ditto ...	The same punishment as for the offence committed.	Ditto.
114	If abettor is present when offence is committed ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
115	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years and fine.	Ditto.
	If an act which causes harm be done in consequence of the abetment.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for fourteen years and fine.	Ditto.

CHAPTER V—OF ABETMENT—(*continued*).

1 Section	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
116	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	Imprisonment extending to one-fourth part of the longest term, and of any description provided for the offence, or fine, or both.	By the Court by which the offence abetted is triable.
	If the abettor or the person abetted be a public servant, whose duty it is to prevent the offence.	Ditto ...	Ditto ...	Ditto ...	Imprisonment extending to one-half of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
117	Abetting the commission of an offence by the public, or by more than ten persons.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Ditto.
118	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for seven years, and fine.	Ditto.
	If the offence be not committed	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Ditto.
119	A public servant concealing a design to commit an offence, which it is his duty to prevent, if the offence be committed.	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Imprisonment extending to one-half of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
	If the offence be punishable with death or transportation ...	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for ten years.	Ditto.
	If the offence be not committed	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Imprisonment extending to one-fourth part of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
120	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Ditto ...	Ditto ...	Ditto ...	Imprisonment extending to one-fourth part of the longest term, and of the description provided for the offence, or fine, or both.	Ditto.
	If not committed	itto ...	Ditto ...	Ditto ...	Imprisonment extending to one-eighth part of the longest term, and of the description provided for the offence, or fine, or both.	Ditto.

CHAPTER VI—OFFENCES AGAINST THE STATE.

121	Waging or attempting to wage war, or abetting the waging of war against the Queen.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Death, or transportation for life, and forfeiture of property.	Court of Session.
121 A.	Conspiring to commit certain offences against the State ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life or any shorter term, or imprisonment of either description for ten years.	Ditto.
122	Collecting arms, &c., with the intention of waging war against the Queen.	Ditto ...	Ditto ...	Ditto ..	Transportation for life, or imprisonment of either description for ten years, and forfeiture of property.	Ditto.
123	Concealing with intent to facilitate a design to wage war ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
124	Assaulting Governor General, Governor, &c, with intent to compel or restrain the exercise of any lawful power.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
124 A.	Exciting, or attempting to excite, disaffection	Ditto ...	Ditto ...	Ditto ...	Transportation for life or for any term and fine, or imprisonment of either description for three years and fine, or fine.	Ditto.
125	Waging war against any Asiatic power in alliance or at peace with the Queen, or abetting the waging of such war.	Ditto ...	Ditto ...	Ditto ...	Transportation for life and fine, or imprisonment of either description for seven years and fine, or fine.	Ditto.
126	Committing depredation on the territories of any power in alliance or at peace with the Queen.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine and forfeiture of certain property.	Ditto.
127	Receiving property taken by war or depredation, mentioned in sections 125 and 126.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
128	Public servant voluntarily allowing prisoner of State or War in his custody to escape.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
129	Public servant negligently suffering prisoner of State or War in his custody to escape.	Ditto ...	Ditto ...	Bailable ...	Simple imprisonment for three years, and fine.	Court of Session or Magistrate of the District.
130	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the recapture of such prisoner.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Court of Session.

CHAPTER VII—OFFENCES RELATING TO THE ARMY AND NAVY.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
131	Abetting mutiny, or attempting to seduce an officer, soldier, or sailor from his allegiance or duty.	May arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Court of Session.
132	Abetment of mutiny if mutiny is committed in consequence thereof.	Ditto ...	Ditto ...	Ditto ...	Death or transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
133	Abetment of an assault by an officer, soldier, or sailor on his superior officer when in the execution of his office.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
134	Abetment of such assault, if the assault is committed ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
135	Abetment of the desertion of an officer, soldier, or sailor ...	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District.
136	Harbouring such an officer, soldier, or sailor who has deserted	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
137	Deserter concealed on board merchant vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons ...	Ditto ...	Fine of five hundred rupees ...	Ditto.
138	Abetment of act of insubordination by an officer, soldier, or sailor, if the offence be committed in consequence.	May arrest without warrant.	Warrant ...	Ditto ...	Imprisonment of either description for six months, or fine, or both.	Ditto.
140	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for three months, or fine of five hundred rupees, or both.	Any Magistrate.

CHAPTER VIII—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

143	Being a member of an unlawful assembly.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for six months, or fine, or both.	Any Magistrate.
	Joining an unlawful assembly armed with any deadly weapon.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Ditto ...	...	Ditto ...	Ditto ...	Ditto.
147	Rioting	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
148	Rioting armed with a deadly weapon	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	According as a warrant or summons may issue for the offence.	According as the offence is bailable or not.	The same as for the offence ...	By the Court by which the offence is triable.
150	Hiring, engaging, or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged, or employed.	Ditto ...	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Ditto.
151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Ditto ...	Summons ...	Bailable ...	Imprisonment of either description for six months, or fine, or both.	Any Magistrate.
152	Assaulting or obstructing public servant when suppressing riot, &c.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one year, or fine, or both.	Any Magistrate.
	If not committed	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for six months, or fine, or both.	Ditto.
154	Owner or occupier of land not giving information of riot, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Fine of one thousand rupees ...	Magistrate of the District, or Subordinate Magistrate of First Class.
155	Person for whose benefit, or on whose behalf a riot takes place not using all lawful means to prevent it.	Ditto ...	Ditto ...	Ditto ...	Fine ...	Ditto.
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
157	Harbouring persons hired for an unlawful assembly ...	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for six months, or fine, or both.	Ditto.

CHAPTER VIII—OFFENCES AGAINST THE PUBLIC TRANQUILLITY—*(continued.)*

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
158	Being hired to take part in an unlawful assembly or riot ...	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for six months, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
	Or to go armed	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
160	Committing affray	Shall not arrest without warrant.	Summons ...	Ditto ...	Imprisonment of either description for one month, or fine of one hundred rupees, or both.	Any Magistrate.

CHAPTER IX—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
162	Taking a gratification in order by corrupt or illegal means to influence a public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
163	Taking a gratification for the exercise of personal influence with a public servant.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one year, or fine, or both.	Magistrate of the District.
164	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.

166	Public servant disobeying a direction of the law with intent to cause injury to any person.	Ditto ...	Ditto ...	Ditto ..	Simple imprisonment for one year, or fine, or both.	Ditto.
167	Public servant framing an incorrect document with intent to cause injury.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
168	Public servant unlawfully engaging in trade	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one year, or fine, or both.	Magistrate of the District.
169	Public servant unlawfully buying or bidding for property ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for two years, or fine, or both, and confiscation of property, if purchased.	Ditto.
170	Personating a public servant	May arrest without warrant.	Warrant ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Any Magistrate.
171	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for three months, or fine of two hundred rupees, or both.	Ditto.

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	Simple imprisonment for one month, or fine of five hundred rupees, or both.	Any Magistrate.
	If summons or notice require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Ditto.
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one month, or fine of five hundred rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
	If summons, &c., require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Ditto.
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one month, or fine of five hundred rupees, or both.	Any Magistrate.
	If the order require personal attendance, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Ditto.

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*continued.*)

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Shall not arrest without warrant.	Summons ...	Bailable ...	Simple imprisonment for one month, or fine of five hundred rupees, or both.	Court in which the offence is committed, subject to the provisions of chapter X of this Code, or if not committed in a Court, the Magistrate of the District, or Subordinate Magistrate of First Class.
	If the document is required to be produced in or delivered to a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Ditto.
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one month, or fine of five hundred rupees, or both.	Magistrate of the District.
	If the notice or information required respects the commission of an offence, &c.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Ditto.
177	Knowingly furnishing false information to a public servant ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Magistrate of the District, or Subordinate Magistrate of First Class.
	If the information required respects the commission of an offence, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
178	Refusing oath when duly required to take oath by a public servant.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Court in which the offence is committed, subject to the provisions of chapter X of this Code, or if not committed in a Court, the Magistrate of the District, or Subordinate Magistrate of First Class.
179	Being legally bound to state the truth, and refusing to answer questions.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
180	Refusing to sign a statement made to a public servant when legally required to do so.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for three months, or fine of five hundred rupees, or both.	Ditto.
181	Knowingly stating to a public servant on oath as true that which is false.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District.
182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for six months, or fine of one thousand rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one month, or fine of five hundred rupees, or both.	Ditto.
185	Bidding by a person under a legal incapacity to purchase it for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one month, or fine of two hundred rupees, or both.	Ditto.
186	Obstructing public servant in discharge of his public functions.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three months, or fine of five hundred rupees, or both.	Ditto.
187	Omission to assist public servant when bound by law to give such assistance.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one month, or fine of two hundred rupees, or both.	Ditto.
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine of five hundred rupees, or both.	Ditto.

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*continued.*)

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Shall not arrest without warrant.	Summons	Bailable	Simple imprisonment for one month, or fine of two hundred rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
	If such disobedience causes danger to human life, health or safety, &c.	Ditto	Ditto	Ditto	Imprisonment for six months, or fine of one thousand rupees, or both.	Ditto.
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Ditto	Ditto	Ditto	Imprisonment of either description for two years, or fine, or both.	Ditto.
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto	Ditto	Ditto	Imprisonment of either description for one year, or fine, or both.	Ditto.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

193	Giving or fabricating false evidence in a judicial proceeding...	Shall not arrest without warrant.	Warrant	Bailable	Imprisonment of either description for seven years, and fine.	Court of Session.
	Giving or fabricating false evidence in any other case ...	Ditto	Ditto	Ditto	Imprisonment of either description for three years, and fine.	Ditto.
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Ditto	Ditto	Not bailable	Transportation for life, or rigorous imprisonment for ten years, and fine.	Ditto.
	If innocent person be thereby convicted and executed	Ditto	Ditto	Ditto	Death, or as above	Ditto.
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years.	Ditto	Ditto	Ditto	The same as for the offence ...	Ditto.
196	Using in a judicial proceeding evidence known to be false or fabricated.	Ditto	Ditto	According as the offence of giving such evidence is bailable or not.	The same as for giving or fabricating false evidence.	Ditto.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto	Ditto	Bailable	The same as for giving false evidence ...	Ditto.
198	Using as a true certificate one known to be false in a material point.	Ditto	Ditto	Ditto	Ditto	Ditto.
199	False statement made in any declaration which is by law received as evidence.	Ditto	Ditto	Ditto	Ditto	Ditto.
200	Using as true any such declaration known to be false ...	Ditto	Ditto	Ditto	Ditto	Ditto.
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Ditto	Ditto	Ditto	Imprisonment of either description for seven years, and fine.	Ditto.
	If punishable with transportation, or imprisonment for ten years.	Ditto	Ditto	Ditto	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District.
	If punishable with less than ten years' imprisonment ...	Ditto	Ditto	Ditto	Imprisonment for one-fourth of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District or by the Court by which the offence is triable.
202	Intentional omission to give information of an offence by a person legally bound to inform.	Ditto	Summons	Ditto	Imprisonment of either description for six months, or fine, or both.	Magistrate of the District.
203	Giving false information respecting an offence committed ...	Ditto	Warrant	Ditto	Imprisonment of either description for two years, or fine, or both.	Ditto.
204	Secreting or destroying any document to prevent its production as evidence.	Ditto	Ditto	Ditto	Ditto	Ditto.
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto	Ditto	Ditto	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
206	Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto	Ditto	Ditto	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto	Ditto	Ditto	Ditto	Ditto.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued.*)

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District.
209	False claim in a Court of Justice ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, and fine.	Ditto.
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
211	False charge of offence made with intent to injure ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If offence charged be capital or punishable with transportation for life, or imprisonment for seven years, or upwards.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
212	Harbouring an offender if the offence be capital ...	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for five years, and fine.	Ditto.
	If punishable with transportation for life, or with imprisonment for ten years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District.
	If punishable with imprisonment for one year, and not for ten years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment for one-fourth of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.
213	Taking gift, &c., to screen an offender from punishment, if the offence be capital.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for ten years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District.
	If with imprisonment for less than ten years ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for one-fourth of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.
214	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for ten years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
	If with imprisonment for less than ten years	Ditto ...	Ditto ...	Ditto ...	Imprisonment for one-fourth of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District or by the Court by which the offence is triable.
215	Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District.
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for ten years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
	If with imprisonment for one year and not for ten years ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for one-fourth of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.
217	Public servant disobeying a direction of law with intent to save persons from punishment, or property from forfeiture.	Shall not arrest without warrant.	Summons ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session.
219	Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision which he knows to be contrary to law.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, or fine, or both.	Ditto.
220	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, with or without fine.	Ditto.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE (*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	If punishable with transportation for life, or imprisonment for ten years.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for three years, with or without fine.	Court of Session or Magistrate of the District.
	If with imprisonment for less than ten years	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, with or without fine.	Magistrate of the District, or Subordinate Magistrate of First Class.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for fourteen years, with or without fine.	Court of Session.
	If under sentence of transportation for life, or imprisonment or penal servitude for ten years or upwards.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, with or without fine.	Ditto.
	If under sentence of imprisonment for less than ten years	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for three years, or fine or both.	Court of Session or Magistrate of the District.
223	Escape from confinement negligently suffered by a public servant.	Ditto ...	Summons ...	Ditto ...	Simple imprisonment for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If charged with an offence punishable with transportation for life, or imprisonment for ten years.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
	If charged with a capital offence	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
	If the person is sentenced to transportation for life, or to transportation, penal servitude, or imprisonment for ten years or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If under sentence of death	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
225 A.	Escape, or attempt to escape, from custody for failing to furnish security for good behaviour.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District or Subordinate Magistrate of the First Class.
226	Unlawful return from transportation	Ditto ...	Ditto ...	Ditto ...	Transportation for life, and fine and rigorous imprisonment for three years before transportation.	Court of Session.
227	Violation of condition of remission of punishment ...	Shall not arrest without warrant.	Summons ...	Ditto ...	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	By the Court by which the original offence was triable.
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Court in which the offence is committed, subject to the provisions contained in chapter X of this Code.
229	Personation of a juror or assessor	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

231	Counterfeiting or performing any part of the process of counterfeiting Coin.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for seven years, and fine.	Court of Session.
232	Counterfeiting or performing any part of the process of counterfeiting the Queen's Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
233	Making, buying, or selling instrument for the purpose of counterfeiting Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
234	Making, buying, or selling instrument for the purpose of counterfeiting the Queen's Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
235	Possession of instrument or material for the purpose of using the same for counterfeiting Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
	If Queen's Coin	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Court of Session.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS (*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
236	Abetting in India the counterfeiting out of British India of Coin.	May arrest without warrant.	Warrant ...	Not bailable ...	The punishment provided for abetting the counterfeiting of such coin within British India.	Court of Session.
237	Import or export of counterfeit Coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
238	Import or export of counterfeits of the Queen's Coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Court of Session.
239	Having any counterfeit Coin known to be such when it came into possession, and delivering, &c., the same to any person.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for five years, and fine.	Ditto.
240	The same with respect to the Queen's Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
241	Knowingly delivering to another any counterfeit Coin as genuine which when first possessed the deliverer did not know to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine of ten times the value of the Coin counterfeited, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
242	Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
243	Possession of Queen's Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
244	Persons employed in a Mint causing Coin to be of a different weight or composition from that fixed by law.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
245	Unlawfully taking from a Mint any coining instrument.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
246	Fraudulently diminishing the weight or altering the composition of any Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.

247	Fraudulently diminishing the weight or altering the composition of the Queen's Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
248	Altering appearance of any Coin with intent that it shall pass as a Coin of a different description.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
249	Altering appearance of the Queen's Coin with intent that it shall pass as a Coin of a different description.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
250	Delivery to another of Coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for five years, and fine.	Ditto.
251	Delivery of Queen's Coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
252	Possession of altered Coin by a person who knew it to be altered when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
253	Possession of Queen's Coin by a person who knew it to be altered when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for five years, and fine.	Court of Session.
254	Delivery to another of Coin as genuine, which, when first possessed, the deliverer did not know to be altered.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine of ten times the value of the Coin.	Magistrate of the District, or Subordinate Magistrate of First Class.
255	Counterfeiting a Government stamp.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for ten years, and fine.	Court of Session.
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
257	Making, buying, or selling instrument for the purpose of counterfeiting a Government stamp.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
258	Sale of counterfeit Government stamp.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
259	Having possession of a counterfeit Government stamp.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
260	Using as genuine a Government stamp known to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, or fine, or both.	Ditto.
261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause wrongful loss to Government.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
262	Using a Government stamp known to have been before used.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS (*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
263	Erasure of mark denoting that stamp has been used.	May arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

264	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
265	Fraudulent use of false weight or measure.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
266	Being in possession of false weights or measures for fraudulent use.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
267	Making or selling false weights or measures for fraudulent use.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.

269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for six months, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
271	Knowingly disobeying any quarantine rule.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for six months, or fine, or both.	Ditto.
272	Adulterating food or drink for man intended for sale so as to make the same noxious.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for six months, or fine of one thousand rupees, or both.	Ditto.
273	Selling any food or drink as food and drink for man knowing the same to be noxious.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto ...	Ditto ..	Ditto ...	Ditto	Ditto.
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
277	Defiling the water of a public spring or reservoir.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for three months, or fine of five hundred rupees, or both.	Any Magistrate.
278	Making atmosphere noxious to health.	Shall not arrest without warrant.	Ditto ..	Ditto ..	Fine of five hundred rupees ...	Ditto.
279	Driving or riding on a public way so rashly or negligently as to endanger human life, &c.	May arrest without warrant.	Ditto ...	Ditto ..	Imprisonment of either description for six months, or fine of one thousand rupees, or both.	Ditto.
280	Navigating any vessel so rashly or negligently as to endanger human life, &c.	Ditto ..	Ditto ...	Ditto ...	Ditto	Magistrate of the District, or Subordinate Magistrate of First Class.
281	Exhibition of a false light, mark, or buoy.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for seven years, or fine, or both.	Court of Session.
282	Conveying for hire any person by water in a vessel in such a state, or so loaded, as to endanger his life.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for six months, or fine of one thousand rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
283	Causing danger, obstruction, or injury in any public way or line of navigation.	Ditto ...	Ditto ...	Ditto ...	Fine of two hundred rupees ...	Ditto.
284	Dealing with any poisonous substance so as to endanger human life, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for six months, or fine of one thousand rupees, or both.	Ditto.
285	Dealing with fire or any combustible matter so as to endanger human life, &c.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto	Any Magistrate.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS (*continued.*)

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
286	So dealing with any explosive substance.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for six months, or fine of one thousand rupees, or both.	Any Magistrate.
287	So dealing with any machinery.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto	Magistrate of the District, or Subordinate Magistrate of First Class.
288	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt from such animal.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto	Any Magistrate.
290	Committing a public nuisance.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Fine of two hundred rupees ...	Ditto.
291	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
292	Sale, &c., of obscene books, &c.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for three months, or fine, or both.	Ditto.
293	Having in possession obscene book, &c., for sale or exhibition.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
294	Obscene songs.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
294 A.	Keeping a lottery office.	Shall not arrest without warrant.	Summons ...	Ditto ...	Imprisonment of either description for six months, or fine, or both.	Any Magistrate.
	Publishing proposals relating to lotteries.	Ditto ...	Ditto ...	Ditto ...	Fine of a thousand rupees ...	Ditto.

CHAPTER XV—OFFENCES RELATING TO RELIGION.

295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District.
296	Causing a disturbance to an assembly engaged in religious worship.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one year, or fine, or both.	Ditto.
297	Trespassing in a place of worship or sepulture, disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feelings.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY.

Offences affecting life.

302	Murder.	May arrest without warrant.	Warrant ...	Not bailable ...	Death, transportation for life, and fine.	Court of Session.
303	Murder by a person under sentence of transportation for life.	Ditto ...	Ditto ...	Ditto ...	Death	Ditto.
304	Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, &c.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, or fine, or both.	Ditto.
304A.	Causing death by negligence.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Court of Session or Magistrate of the District.
305	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	Ditto ...	Ditto ...	Not bailable ...	Death, or transportation for life, or imprisonment for ten years, and fine.	Court of Session.
306	Abetting the commission of suicide.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
307	Attempt to murder.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If such act cause hurt to any person.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above ...	Ditto.
308	Attempt to commit culpable homicide.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for three years, or fine, or both.	Ditto.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY (*continued*).

Offences affecting life (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	If such act cause hurt to any person.	May arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for seven years, or fine, or both.	Court of Session.
309	Attempt to commit suicide.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one year, and fine.	Magistrate of the District.
311	Being a thug.	Ditto ...	Ditto	Not bailable ...	Transportation for life, and fine.	Court of Session.
	Of the causing of Miscarriage; of injuries to unborn children; of the exposure of infants; and of the concealment of births.					
312	Causing miscarriage.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for three years, or fine, or both.	Court of Session.
	If the woman be quick with child.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
313	Causing miscarriage without woman's consent.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
314	Death caused by an act done with intent to cause miscarriage.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
	If act done without woman's consent.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above.	Ditto.
315	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, or fine, or both.	Ditto.
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
317	Exposure of a child under twelve years by parent or person having care of it with intention of wholly abandoning it.	May arrest without warrant.	Ditto ...	Bailable ...	Imprisonment of either description for seven years, or fine, or both.	Ditto.
318	Concealment of birth by secret disposal of dead body ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Court of Session or Magistrate of the District.
	Of Hurt.					
323	Voluntarily causing hurt.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for one year, or fine of one thousand rupees, or both.	Any Magistrate.
324	Voluntarily causing hurt by dangerous weapons or means.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
325	Voluntarily causing grievous hurt.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
326	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Court of Session.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
328	Administering stupefying drug with intent to cause hurt.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for seven years, and fine.	Ditto.
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for ten years, and fine.	Ditto.
332	Voluntarily causing hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District.
333	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for ten years, and fine.	Court of Session.
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Ditto ...	Summons ...	Bailable ...	Imprisonment of either description for one month, or fine of five hundred rupees, or both.	Any Magistrate.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY (*continued*).

Of Hurt (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for four years, or fine of two thousand rupees, or both.	Court of Session, or Magistrate of the District.
336	Doing any act which endangers human life or the personal safety of others.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three months, or fine of two hundred and fifty rupees, or both.	Any Magistrate.
337	Causing hurt by an act which endangers human life, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for six months, or fine of five hundred rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
338	Causing grievous hurt by an act which endangers human life, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine of one thousand rupees, or both.	Ditto.

Of wrongful Restraint and wrongful Confinement.

341	Wrongfully restraining any person.	May arrest without warrant.	Summons ...	Bailable ...	Simple imprisonment for one month, or fine of five hunded rupees, or both.	Any Magistrate.
342	Wrongfully confining any person.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one year, or fine of one thousand rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
343	Wrongfully confining for three or more days.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
344	Wrongfully confining for ten or more days.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District.

345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for two years, in addition to imprisonment under any other section.	Ditto.
346	Wrongful confinement in secret.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto	Ditto.
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Ditto.
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

Of Criminal Force and Assault.

352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for three months, or fine of five hundred rupees, or both.	Any Magistrate.
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
354	Assault or use of criminal force to a woman with intent to outrage her modesty.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
355	Assault or criminal force with intent to dishonour a person otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto	Ditto.
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant ...	Not bailable ...	Ditto	Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for one year, or fine of one thousand rupees, or both.	Ditto.
358	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	Simple imprisonment for one month, or fine of two hundred rupees, or both.	Ditto.

Of Kidnapping, Forcible Abduction, Slavery, and forced Labour.

363	Kidnapping.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for seven years, and fine.	Court of Session.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Kidnapping, Forcible Abduction, Slavery, and forced Labour (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
364	Kidnapping or abducting in order to murder.	May arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or rigorous imprisonment for ten years, and fine.	Court of Session.
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
368	Concealing or keeping in confinement a kidnapped person.	Ditto ...	Ditto ...	Ditto ...	Punishment for kidnapping or abduction.	Ditto.
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
370	Buying or disposing of any person as a slave.	Shall not arrest without warrant.	Ditto ...	Bailable ...	Ditto	Ditto.
371	Habitual dealing in slaves.	May arrest without warrant.	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
372	Selling or letting to hire a minor for the purpose of prostitution.	Ditto ...	Ditto ...	Ditto ...	Imprisonment for either description for ten years, and fine.	Ditto.
373	Buying or obtaining possession of a minor for the same purpose.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
374	Unlawful compulsory labour.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for one year, or fine, or both.	Any Magistrate.

Of Rape.

376	Rape.	May arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Court of Session.

Of Unnatural Offences.

377	Unnatural offences.	May arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Court of Session.

CHAPTER XVII—OF OFFENCES AGAINST PROPERTY.

Of Theft.

379	Theft.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for three years, or fine, or both.	Any Magistrate.
380	Theft in a building, tent, or vessel.	Ditto ...	Ditto' ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
381	Theft by clerk or servant of property in possession of master or employer.	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session, or Magistrate of the District.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retiring after committing it, or to retaining property taken by it.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for ten years, and fine.	Court of Session.

Of Extortion.

384	Extortion.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
385	Putting or attempting to put in fear of injury, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.

CHAPTER XVII—OF OFFENCES AGAINST PROPERTY—(*continued*).

Of Extortion (continued).

Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
386	Extortion by putting a person in fear of death or grievous hurt.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for ten years, and fine.	Court of Session.
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for ten years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
	If the offence threatened be an unnatural offence.	Ditto ...	Ditto ...	Ditto ...	Transportation for life.	Ditto.
389	Putting person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment for ten years, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
	If the offence be an unnatural offence.	Ditto ...	Ditto ...	Ditto ...	Transportation for life.	Ditto.

Of Robbery and Dacoity.

392	Robbery.	May arrest without warrant.	Warrant ...	Not bailable ...	Rigorous imprisonment for ten years, and fine.	Court of Session, or Magistrate of the District.
	If committed on the highway between sunset and sunrise.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for fourteen years, and fine.	Ditto.
393	Attempt to commit robbery.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for seven years, and fine.	Ditto.
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person generally concerned in such robbery.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for ten years, and fine.	Court of Session.
395	Dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
396	Murder in dacoity.	Ditto ...	Ditto ...	Ditto ...	Death, transportation for life, or rigorous imprisonment for ten years, and fine.	Ditto.
397	Robbery or dacoity with attempt to cause death or grievous hurt.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for not less than seven years.	Ditto.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
399	Making preparation to commit dacoity.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for ten years, and fine.	Ditto.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above ...	Ditto.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for seven years, and fine.	Ditto.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

Of Criminal Misappropriation of Property.

403	Dishonest misappropriation of moveable property or converting it to one's own use.	Shall not arrest without warrant.	Warrant	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Any Magistrate.
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District.
	If by clerk or person employed by deceased.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.

Of Criminal Breach of Trust.

406	Criminal breach of trust.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.

CHAPTER XVII—OFFENCES AGAINST PROPERTY—(*continued*).

Of Criminal Breach of Trust (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
407	Criminal breach of trust by a carrier, wharfinger, &c.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for seven years, and fine.	Court of Session, or Magistrate of the District.
408	Criminal breach of trust by a clerk or servant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
409	Criminal breach of trust by public servant, or by banker, merchant, or agent, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.

Of the receiving of Stolen Property.

411	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrats of the District, or Subordinate Magistrate of First Class.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for ten years, and fine.	Court of Session.
413	Habitually dealing in stolen property.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
414	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.

Of Cheating.

417	Cheating.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for one year, or fine, or both	Magistrate of the District, or Subordinate Magistrate of First Class.
418	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
419	Cheating by personation.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
420	Cheating and thereby dishonestly inducing delivery of property, or the alteration or destruction of a valuable security.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session, or Magistrate of the District.

Of Fraudulent Deeds and Dispositions of Property.

421	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
424	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

Of Mischief.

426	Mischief.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for three months, or fine, or both.	Any Magistrate.

CHAPTER XVII—OFFENCES AGAINST PROPERTY—*(continued)*.

Of Mischief (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
427	Mischief, and thereby causing damage to the amount of fifty rupees or upwards.	Shall not arrest without warrant.	Warrant ...	Bailable ..	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
428	Mischief by killing, poisoning, maiming or rendering useless, any animal of the value of ten rupees or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
429	Mischief by killing, poisoning, maiming or rendering useless, any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of fifty rupees or upwards.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for five years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
430	Mischief by causing diminution of supply of water for agricultural purposes, &c.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto	Ditto.
431	Mischief by injury to public road, bridge, river or navigable channel, and rendering it impassable or less safe for travelling, or conveying property.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
432	Mischief by causing inundation or obstruction to public drainage attended with damage.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
433	Mischief by destroying or moving or rendering less useful a light-house or sea-mark, or by exhibiting false lights.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, or fine, or both.	Court of Session.
434	Mischief by destroying or moving, &c., a landmark fixed by public authority.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
435	Mischief by fire or explosive substance with intent to cause damage to amount of one hundred rupees or upwards.	May arrest without warrant.	Ditto ...	Ditto ..	Imprisonment of either description for seven years, and fine.	Court of Session.
436	Mischief by fire or explosive substance, with intent to destroy a house, &c.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of twenty tons burden.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
438	The mischief described in the last section when committed by fire or any explosive substance.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
439	Running vessel ashore with intent to commit theft, &c. ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
440	Mischief committed after preparation made for causing death or hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for five years, and fine.	Ditto.

Of Criminal Trespass.

447	Criminal trespass.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for three months, or fine of five hundred rupees, or both.	Any Magistrate.
448	House-trespass.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for one year, or fine of one thousand rupees, or both.	Ditto.
449	House-trespass in order to the commission of an offence punishable with death.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or rigorous imprisonment for ten years, and fine.	Court of Session.
450	House-trespass in order to the commission of an offence punishable with transportation for life.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
451	House-trespass in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for two years, and fine.	Any Magistrate.
	If the offence is theft.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for seven years, and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
452	House-trespass, having made preparation for causing hurt, assault, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
453	Lurking house-trespass or house-breaking.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, and fine.	Magistrate of the District, or Subordinate Magistrate of First Class.

CHAPTER XVII—OFFENCES AGAINST PROPERTY—(*continued*).

Of Criminal Trespass (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
	If the offence is theft.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Court of Session.
456	Lurking house-trespass or house-breaking by night.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for five years, and fine.	Ditto.
	If the offence is theft.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for fourteen years, and fine.	Ditto.
458	Lurking house-trespass or house-breaking by night after preparation made for causing hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Court of Session.
459	*Grievous hurt caused whilst committing lurking house-trespass or house-breaking.*	Ditto ...	Ditto ...	Ditto ...	*Transportation for life, or imprisonment* of either description for ten years, and fine.	Ditto.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.

CHAPTER XVIII—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.

465	Forgery.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Court of Session.
466	Forgery of a record of a Court of Justice or of a Register of Births, &c., kept by a public servant.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for seven years, and fine.	Ditto.
467	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
	When the valuable security is a promissory note of the Government of India.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto.	Ditto.
468	Forgery for the purpose of cheating.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for three years, and fine.	Ditto.
471	Using as genuine a forged document which is known to be forged.	Ditto ...	Ditto ...	Ditto ...	Punishment for forgery	Ditto.
	When the forged document is a promissory note of the Government of India.	May arrest without warrant.	Ditto ...	Not bailable ...	Ditto	Ditto.
472	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for seven years, and fine.	Ditto.
473	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under section 467 of the Indian Penal Code, or possessing with like intent any such seal, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
474	Having possession of a document, knowing it to be forged, with intent to use it as genuine.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XVIII—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS—*(continued)*.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	If the document is a valuable security or will.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or as above ...	Court of Session.
475	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting a will, &c.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for seven years, and fine.	Ditto.
	Of Trade and Property-Marks.					
482	Using a false trade or property-mark with intent to deceive or injure any person.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
483	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
484	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District.
485	Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trademark.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Ditto.
486	Knowingly selling goods marked with a counterfeit property or trademark.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
488	Making use of any such false mark.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
489	Removing, destroying, or defacing any property-mark with intent to cause injury.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.

CHAPTER XIX—OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

490	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for one month, or fine of one hundred rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind, or disease, and voluntarily omitting to do so.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three months, or fine of two hundred rupees, or both.	Ditto.
492	Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and there voluntarily deserting the service or refusing to perform the duty.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one month, or fine of double the expense incurred, or both.	Ditto.

CHAPTER XX—OFFENCES RELATING TO MARRIAGE.

493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for ten years, and fine.	Court of Session.
494	Marrying again during the life-time of a husband or wife	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for seven years, and fine.	Ditto.

CHAPTER XX—OFFENCES RELATING TO MARRIAGE—(*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for ten years, and fine.	Court of Session.
496	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
497	Adultery.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for five years, or fine, or both.	Ditto.
498	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District.

CHAPTER XXI—OF DEFAMATION.

500	Defamation.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Simple imprisonment for two years, or fine, or both.	Court of Session, or Magistrate of the District.
501	Printing or engraving matter knowing it to be defamatory.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XXII—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

504	Insult intended to provoke a breach of the peace.	Shall not arrest without warrant.	Warrant ..	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Any Magistrate.
505	False statement, rumours, &c., circulated with intent to cause mutiny or offences against the public peace.	Ditto ...	Ditto ...	Not bailable ...	Ditto	Magistrate of the District.
506	Criminal intimidation.	Ditto ...	Ditto ...	Bailable ...	Ditto	Magistrate of the District, or Subordinate Magistrate of First Class.
	If threat be to cause death or grievous hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, or fine, or both.	Court of Session, or Magistrate of the District.

507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, in addition to the punishment under above section.	Ditto.
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District.
509	Uttering any word or making any gesture intended to insult the modesty of a woman.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one year, or fine, or both.	Ditto.
510	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for twenty-four hours, or fine of ten rupees, or both.	Any Magistrate.

CHAPTER XXIII—OF ATTEMPTS TO COMMIT OFFENCES.

511	Attempting to commit offences punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the Police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	Transportation or imprisonment not exceeding half of the longest term and of the description provided for the offence, or fine, or both.	By the Court by which the offence attempted is triable.

OFFENCES AGAINST OTHER LAWS.

	If punishable with death, transportation, or imprisonment for seven years or upwards.	May arrest without warrant.	Warrant ...	Not bailable ...	.....	Court of Session.
	If punishable with imprisonment for more than three and less than seven years.	Ditto ...	Ditto ...	Ditto ...	.....	Court of Session, or Magistrate of the District.
	If punishable with imprisonment for three years or less than three years.	Shall not arrest without warrant.	Summons ...	Bailable ...	.....	Magistrate of the District, or Subordinate Magistrate of First Class.
	If punishable with fine only or with imprisonment for less than one year.	Ditto ...	Ditto ...	Ditto ...	.....	Any Magistrate.

STATEMENT OF OBJECTS AND REASONS.

The Commissioners appointed by Her Majesty to prepare a body of substantive law for India issued, on the 11th June 1870, a seventh Report relating to the revision of the Code of Criminal Procedure. After making some remarks on Act VIII of 1869, by which the Code was last year amended, the report proceeds to make observations upon certain points submitted for the opinion of the Commissioners by the Secretary of State for India. It adds certain other suggestions as to the improvement of the Code, and it concludes by the following observations:—

"We have endeavoured by this Report to complete the revision of the Code of Criminal Procedure in the manner which appears to have been contemplated by the local Government of India.

"We should not have adopted this method of executing the duty entrusted to us if Act VIII of 1869 had not been passed, but the existing state of the law, as altered by the provisions of that Act, has, in our opinion, rendered this the most expedient course.

"A short Act may be passed, embodying the required provisions on the points regarding which we have reported.

"In that case the original Code, XXV of 1861, with the Act VIII of 1869, and such new Act, would contain the whole law.

"Should it, however, be thought more convenient to consolidate the whole law of procedure in a single Act, this could be effected without difficulty by a process little more than mechanical."

A draft Bill has been prepared, founded upon this Report, but it was impossible to draw it without perceiving that partly by reason of the originally defective arrangement of the Code, and partly by reason of successive amendments made with little reference to its arrangement, the Code was so ill-arranged and obscure that it appeared highly desirable to take the opportunity of re-arranging it in an intelligible and consecutive manner. No doubt there is a strong *primâ facie* objection to the alteration of the arrangement of an Act of the first importance, with which most of those who have to administer it have become familiar by practice. The evil, however, is very serious, as the following account of the existing state of the Act will show.

The natural order of arrangement obviously is to follow the course of a criminal trial from the first steps for the apprehension of the offender to the execution of the final order of the Court, and to treat separately of exceptional incidents or detached subjects. To a certain extent this order has been followed in the Code as it stands, but deviations from it have been so frequent that it is extremely difficult for any one to derive from the mere perusal of the Code any connected view of the subject. To appreciate this fully the whole Code as it stands should be read; but some illustrations may be given.

The chapters relating to the prevention of offences, XVIII to XXII, are interposed between the chapters relating to proceedings before Magistrates and trials by the Court of Session. Chapter XVII, which precedes this parenthesis, provides that places where trials are to be held shall be open Courts, and chapter XXIII, which follows it, relates to Jurors and Assessors. Chapter XXIV, which relates to Judges in the Madras Presidency, is strangely prefixed to trials in the Court of Session (chapter XXVI). This is as strangely followed by a chapter (XXVII) about lunatics, the provisions as to the jurisdiction of the Sadr Courts being postponed. So that a student wishing to follow out the course of trial has to skip six chapters in order to learn what happens when a man is committed for trial, and then to skip a seventh chapter in order to learn about the course of appeal.

There is a chapter (III) on Preliminary Rules near the beginning, and another (XXXI) on General Rules at the end, which deal, utterly without any arrangement, with all sorts of subjects which ought to find a place of their own in the Act. Thus, section 43 in the Preliminary Rules provides that witnesses are to be examined on oath, and section 44 that the Court may apply portions of fine in compensation for damages. As for the General Rules, section 431 provides for the employment of interpreters; section 432 gives accused persons a right to be defended by counsel; and section 433 provides for the confinement of youths in reformatories.

The arrangement of the sections is as strange as that of the chapters. Thus, for instance—and it is only one instance—chapter XXIII, on Jurors and Assessors, is thus arranged; sections 322 and 323 prescribe the cases in which trials are to be by jury; section 324 relates to trials by assessors; sections 325-7 settle the composition of juries when Europeans or Americans are tried, and 328 the 'number of voices necessary to a verdict'. So far, the arrangement, though not good, is intelligible; but then come a series of provisions (329—340) about jury-lists, and

the attendance of jurymen; after which come provisions (341—8) about the trial, including objections by the accused or the prosecution, which obviously ought to have preceded section 328. Section 349, which is very long, goes back to summoning juries. Section 351 returns to the subject of majorities, which had been provided for in part by section 328. The confusion is so great that a person coming fresh to the subject would have to read the chapter over several times before it presented to his mind any clear notion.

Where a plan is followed, it is a bad one. Thus, proceedings before Magistrates are put together; but instead of beginning with the simplest (summons cases) and going on to the most serious (commitment cases), this order is inverted.

The most complicated case is put first and the simplest last, and the whole Code has, in consequence, to be disfigured by continual cross-references. Thus, for instance, the mode in which evidence is to be taken in all cases is prescribed in the chapter about commitments, and certain sections in that chapter are embodied by reference in three other chapters, consecutively, with variations.

It would be easy to multiply, to any extent, illustrations of the entire want of arrangement which disfigures the Code, but these are enough. This is not a mere matter of taste. It is of the very highest practical importance in the administration of justice that the course of proceedings prescribed should be easily apprehended as a whole, and that it should be capable of being learnt with the greatest possible ease by those who are to administer it. It must be remembered, in particular, that the Codes have an educational as well as a merely practical value. Judicial officers learn, and are meant to learn, their business in the first instance from the Codes themselves, and it is waste of valuable time to make them needlessly difficult and intricate.

The Code has accordingly been re-arranged, and the draft now published differs from the existing law principally in the fact that it has been so re-arranged.

The first leading distinction recognized in that draft is between those provisions which relate to—

(1) The trial of offenders;

(2) The prevention of the commission of crime or continuance of illegal conduct.

It is divided into eleven Parts, of which

nine relate to the punishment of crimes;

one to the prevention of crimes; and

one to miscellaneous matters.

The Parts relating to the punishment of crimes are as follows.

Part I deals with the jurisdiction of the Courts in four chapters. They regulate—

the ordinary jurisdiction of the Courts as to crimes (chapter 1):

the special jurisdiction with which Local Governments in their discretion may invest particular officers, especially Magistrates (chapter 2):

jurisdiction as it varies with respect to persons (chapter 3). This chapter includes all provisions relating to European British subjects, and to offenders liable to be tried for offences committed in Native States or elsewhere. The opportunity has been taken of repealing Act I of 1849, remodelling some of its provisions which are objectionable and even of questionable validity, and introducing the amended provisions in what would seem to be their proper place:

jurisdiction as it varies with respect to place, or, as an English lawyer would say, the law of venue (chapter 4):

Part II deals with proceedings of which the object is to compel the appearance of suspected persons. It contains five chapters upon the following subjects:—

a preliminary enquiry by the Police (chapter 1);

a complaint in order to the issue of a summons or warrant (chapter 2);

a summons in slight cases (chapter 3);

a warrant in cases of more importance (chapter 4);

arrest without warrant in cases in which delay would be dangerous (chapter 5).

Part III deals with the treatment of the suspected person, whose appearance has been secured by one of the modes prescribed in Part II.

It begins by laying down the general rules that in all Criminal Courts whatever, the accused may be defended by Counsel, and that the places where inquiries and trials are held are open Courts (chapter 1).

It then points out the method of procedure in cases dealt with in a summary way by Magistrates on summons (chapter 2),

or in cases of greater importance, upon warrant, or committed for trial to the Sessions (chapter 3).

As any of the proceedings described in chapters 2 or 3 may, under certain circumstances, be conducted by Subordinate Magistrates, chapter 4 lays down the rules which are to obtain on this subject.

chapter 5 deals with trials before the Court of Session:

chapter 6 states the duties of assessors and jurors in such trials.

Part IV carries on the subject of trial by prescribing the action of the High Courts upon the Courts of first instance. This may be secured either by the act of the party, or by the act of the law, or by the act of the Court. Accordingly

chapter 1 relates to appeals, which depend upon the party:

chapter 2 relates to reference in capital cases, which is a process prescribed by the law:

chapter 3 relates to revision, which is exercised by the High Court in its discretion. As revision is carried on by means of the inspection of returns, and with reference to rules of procedure laid down by the High Court, the sections which empower it to issue such rules and call for such returns are embodied in this chapter.

The ordinary process of inquiry, trial, and final confirmation or reversal of the sentence by the High Court being now complete, the next matter to be considered is the execution of the judgment of the Court.

Accordingly, Part V deals with execution. It prescribes the mode in which warrants to execute sentences are to be issued, and lays down rules as to the levy and application of fines; as to whipping, respecting which four sections have been transferred to this place from Act VI of 1864; as to the infliction of imprisonment; the confinement of young persons in reformatories, and the execution of sentences of transportation and death. Finally, it contains a section as to pardon by which punishments may be remitted.

Part VI relates to the subject of evidence, and includes in separate chapters provisions as to general rules of evidence, the mode of taking down the evidence of witnesses, and the examination of accused persons, summonses to witnesses, and search-warrants.

Part VII relates to proceedings incidental to the inquiry and trial, the ordinary course of which has been thus provided for. These are—

bail, the formation of lists of jurors and assessors, and their attendance.

These rules are necessary to enable trials to be held by the Courts of Session. A few miscellaneous rules, which regulate the mode of disposing of property taken by the Police, warrants of commitment, the allowance of expenses of witnesses, and the employment of interpreters are contained in Part VII, chapter 3.

These are the usual incidents of inquiry and trial; but a person under trial may be insane, or the orders of the Court may be disobeyed. Part VIII, on exceptional incidents, deals with these cases in chapter 1, which relates to lunatics, and chapter 2 which relates to contempts.

The manner of holding trials being now provided for, together with the common and exceptional processes incidental to them, the next subject is what, to borrow a phrase from English law, is called criminal pleading, that is to say, all that relates to written documents by which the questions to be tried are defined, and the result recorded.

These matters are regulated by Part IX.

chapter 1 relates to the charge or indictment;

chapter 2 to the finding, judgment, and sentence; and

chapter 3 to certain cases in which prosecutions cannot be instituted without the consent of specified persons. This completes that part of the Act which relates to the punishment of offences.

We come next to the provisions relating to the prevention of crime, which form the subject of Part X. They are—

security for keeping the peace (chapter 1);

security for good behaviour (chapter 2);

the abatement of nuisances (chapter 3);

settlement of questions about possession (chapter 4);

maintenance of wives and families (chapter 5).

Lastly, Part XI consists of three sections, prescribing the procedure in miscellaneous criminal cases and proceedings, and saving certain exceptional jurisdictions.

Only three important alterations have been made in the substance of the Code.

Firstly, section 47 confers summary jurisdiction on Full Power Magistrates in the Mofussil, who are also Justices of the Peace, over offences committed by European British subjects, on which a summons ordinarily issues in the first instance. It authorizes the infliction of a fine not exceeding rupees 500, and in default of payment, imprisonment for a term not exceeding two months. This is intended to replace 53 Geo. III cap. 155, section 105, Act VII of 1853, and Act XXV of 1861, section 42.

Secondly, section 176 (= section 226 of Act XXV) provides that where the accused is an European British subject, the committing Magistrate shall ask him whether he wishes to be tried by the High Court or the Court of Session. If the accused wishes to be tried by the High Court, he will be sent for trial accordingly. If he wishes to be tried by the Court of Session, the Magistrate will send the accused for trial to such one of these Courts as he thinks fit.

Thirdly, the provisions relating to the number of jurymen by whom a verdict may be given have been changed in accordance with the suggestion of the Commissioners. For the present cumbrous system, section 217 substitutes the simple rule that unanimity or a majority of not less than two-thirds with the concurrence of the Judge, shall be followed by conviction, and any other result by acquittal.

The following minor additions and alterations have been made:—

To section 17 (=section 21 of Act XXV) has been added a clause declaring that Justices of the Peace not being Magistrates shall be guided by the provisions of the Code.

Section 21 embodies Act XXIX of 1845, which gives power to appoint, in the Presidency of Bombay, Joint Sessions Judges.

Section 25 (= Act X of 1854, section 1) empowers Magistrates in charge of divisions of Districts in Bengal to receive and try certain charges unreferred.

Sections 39 and 40 (= Act XXVIII of 1867, sections 1 and 2) validates processes signed by certain Magistrates in Petty Sessions.

Sections 48 to 54 (inclusive), as to offences in Foreign States, embody, as above remarked, the provisions of Act I of 1849. But the new sections apply only to subjects of Her Majesty and to persons who within a year before or after the commission of the offence with which they are charged have dwelt for six months within British India, and the offence must have been committed within territory included in or adjacent to some part of British India.

Section 62 (=section 32 of Act XXV) provides expressly that enquiry into the offences of thuggee and dacoity may be made in any District in which the accused happens to be when charged or arrested.

In section 108 (=section 71 of Act XXV) words have been introduced to show how the summons should be served on the accused.

To section 137 (=section 100 of Act XXV) a clause has been added empowering the Police to arrest without warrant deserters from the army. This is now the law in the Bombay Presidency, but not, apparently, elsewhere in British India.

In section 172 (=the second sentence of section 250 of Act XXV) words have been introduced showing that the Magistrate must be competent to try the offence and think he ought to try it.

To section 209 (=section 346 of Act XXV) a clause has been added requiring in all cases the jurors to be sworn.

Section 266 provides for the case of a sentenced prisoner being ill or pregnant. The new clause is modelled on Bombay Regulation XIV of 1827, section 3, clause 2.

Section 292 empowers the Local Governments to direct the evidence of complainants to be taken down in the Magistrate's vernacular. The corresponding section (196) of Act XXV applies only to the evidence of witnesses.

In section 352 (=section 329 of Act XXV) power is given to the Local Government to appoint an officer (other than the Collector) to make out the list of jurors and assessors.

To section 449 (=section 301 of Act XXV), which provides that, in default of giving security for good behaviour, the defaulter shall be committed to prison, a clause has been added providing that the imprisonment may be rigorous or simple, as the Court of Session in each case directs.

To section 457 (=section 63 of Act XXV, as to injunctions against public nuisances) has been added a clause expressly barring appeals against orders under that section.

Section 465 (= section 315 of Act XXV) saves Bombay Act VIII of 1867, section 16.

Section 466 (= section 318 of Act XXV) is extended to cases in which the disputing parties are in joint possession.

Section 469 (= Bengal Regulation XI of 1824, sections 2 and 3) provides for making local inquiries in order to determine boundary-disputes.

Various minor changes in wording, &c., have been made. Chapter XXIV has been omitted as useless; and certain recommendations of the Indian Law Commissioners have been reserved for careful consideration in Committee.

SIMLA
The 27th August 1870.

J. F. STEPHEN.

WHITLEY STOKES,
Secretary to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th December 1870, and was referred to a Select Committee with instructions to make their report thereon in a month :—

No. 34 OF 1870.

THE INDIAN PAPER CURRENCY BILL, 1870.

CONTENTS.

PREAMBLE.

Section. *I.—Preliminary.*

1. Short title.
   Local extent.
   Commencement.
2. Acts repealed.

II.—The Department of Issue.

3. Functions of Department of Issue.
4. Head Commissioner.
   Commissioners at Madras and Bombay.
5. Power to establish Circles of Issue.
6. Deputy Commissioners.
7. Subordination of Commissioners and Deputy Commissioners.
8. Appointment, suspension, and removal of officers.

III.—Supply and Issue of Notes.

9. Head Commissioner to provide and distribute notes.
   Notes where payable.
10. Signatures to notes.
11. Issue of notes for silver.
    Proviso.
12. Issue of notes for gold.
13. Expense of melting and assaying bullion received for notes.
    Loss of weight.
14. Certificates for bullion.
    Contents of certificate.
15. Notes where legal tender.

IV.—Reserve.

16. Bullion received for notes to be kept as a reserve.
    Except amount fixed as minimum limit of circulation.
17. Investment of such amount.
    Appropriation of coin, bullion and securities.
    Sale or exchange of bullion and foreign coin.
18. Trustees of securities purchased under Act.
19. Power to sell such securities.
    Power to replace them.
20. Interest on such securities to be entered in a separate account.
    "Profits of Notes Circulation."
    Annual account.

V.—Miscellaneous.

21. Monthly abstracts of accounts.
22. Description of notes in indictments.
23. Prohibition of issue of private bills or notes payable to bearer on demand.
    Exception in favour of cheques.
24. Penalty for issuing such bills or notes.
25. Supplementary powers of the Government of India.

A BILL TO CONSOLIDATE THE LAW RELATING TO THE GOVERNMENT PAPER CURRENCY.

Preamble.

WHEREAS it is expedient to consolidate the law relating to the Government Paper Currency; It is enacted as follows :—

I.—Preliminary.

Short title.

1. This Act may be called "The Indian Paper Currency Act, 1870."

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force on the passing thereof.

Acts repealed.

2. The Acts mentioned in the schedule hereto annexed are repealed.

All appointments made, rules prescribed, circles of issue established, notifications published, and notes issued under any such Act shall be deemed to be respectively made, prescribed, established, published and issued under this Act.

II.—The Department of Issue.

Functions of Department of Issue.

3. There shall continue to be a Department of the public service, to be called the Department of Issue, whose function shall be the issue of promissory notes of the Government of India payable to bearer on demand, for such sums, not being less than ten rupees, as the Governor General in Council from time to time directs.

Head Commissioner.

4. At the head of such Department shall be an officer called the Head Commissioner of the Department of Issue, and two other officers, called, respectively, the Commissioner of the Department of Issue at Madras and the Commissioner of the Department of Issue at Bombay.

Commissioners at Madras and Bombay.

Power to establish Circles of Issue.

5. The Governor General in Council may from time to time, by order published in the *Gazette of India*,

establish Districts, to be called Circles of Issue, three of which circles shall include the Towns of Calcutta, Madras and Bombay, respectively,

appoint in each circle some one city or town to be the place of issue of notes, as hereinafter provided,

establish in such city or town an Office or Offices of Issue, and

declare that, for the purposes of this Act, any such city or town (other than Calcutta, Madras or Bombay) shall be deemed to be situate within such Presidency as is specified in the order.

Deputy Commissioners.

6. For each Circle of Issue other than those which include the Towns of Calcutta, Madras and Bombay, there shall be an officer called the Deputy Commissioner of Issue.

Subordination of Commissioners and Deputy Commissioners.

7. For the purposes of this Act, the Commissioners at Madras and Bombay shall be subordinate to the Head Commissioner :

the Deputy Commissioners in the Presidency of Fort William in Bengal shall be subordinate to the Head Commissioner; and

the Deputy Commissioners in the Presidencies of Fort St. George and Bombay shall be subordinate to the Commissioners of Madras and Bombay, respectively.

Appointment, suspension, and removal of officers.

8. All officers under this Act shall be appointed, and may be suspended or removed, by the Governor General in Council.

III.—Supply and Issue of Notes.

Head Commissioner to provide and distribute notes.

9. The Head Commissioner of Issue shall provide promissory notes of the Government of India payable to bearer on demand, of the denominations prescribed under this Act, and shall supply the Commissioners at Madras and Bombay, and the several Deputy Commissioners with such notes as they require for the purposes of this Act.

Notes where payable.

All such notes shall bear upon them the name of the city or town from which they are severally issued, and shall be payable only—

at the Office or Offices of Issue of such city or town, and

at the presidency town of the Presidency within which such city or town is situate.

Signatures to notes.

10. The name of the Head Commissioner, of either of the Commissioners, of a Deputy Commissioner, or of some other person authorized by the said Head Commissioner, or by either of the said Commissioners, to sign notes issued under this Act, shall be subscribed to every such note, and may be impressed thereon by machinery.

Names so impressed shall be taken to be valid signatures to all intents and purposes.

Issue of notes for silver.

11. The Head Commissioner, the Commissioners, and the Deputy Commissioners shall, in their respective Circles of Issue, on the demand of any person, issue from the Office or Offices of Issue established in their respective Circles, promissory notes of the denominations prescribed under this Act, on the terms following :—

First, in exchange for the amount thereof in current silver coin of the Government of India; or,

Secondly, in exchange for the amount thereof in silver bullion or foreign silver coin at the rate of nine hundred and seventy-nine rupees per thousand tolas of silver fit for coinage and of the standard fineness prescribed by the Indian Coinage Act, 1870:

Provided that in all places where there is no Mint of the Government of India, any such Head Commissioner, Commissioners, and Deputy Commissioners, may refuse to issue notes in exchange for silver bullion or foreign coin under this section.

Proviso.

12. The Governor General in Council may from time to time, by order published in the *Gazette of India*, direct that notes to an extent to be specified in the order, not exceeding one-fourth of the total amount of issues represented by coin and bullion as herein provided, shall be issued at such Offices of Issue as are named in the order, in exchange for gold coin of full weight of the Government of India or for foreign gold coin or gold bullion, at the rates and according to the rules and conditions fixed by such order.

Issue of notes for gold.

13. The Head Commissioner, Commissioners, and Deputy Commissioners may require any bullion or foreign coin received under section eleven or section twelve, to be melted and assayed. Any loss of weight caused by such melting or assay shall be borne by the person tendering the bullion or coin.

Expense of melting and assaying bullion received for notes.

Loss of weight.

14. Every person so tendering bullion or foreign coin and depositing it in any Office of Issue shall, after the expiration of the time necessary for melting and assaying the same, be entitled to receive therefor a certificate signed by the person authorized to issue the notes aforesaid.

Certificates for bullion.

Such certificate shall—

(*a*) acknowledge the receipt of such bullion or foreign coin,

(*b*) state the amount of promissory notes of the Government of India, or of such notes and cash, to which the holder is entitled in exchange for such bullion or coin,

(*c*) state the interval on the expiration of which, if the certificate be presented to such office, the holder shall be entitled to receive such amount.

Contents of certificate.

15. Within any of the said Circles of Issue a note issued under this Act from any Office of Issue in such Circle, shall be a legal tender to the amount expressed in such note, in payment or on account of—

any revenue or other claim to the amount of ten rupees and upwards due to the Government of India,

any sum of ten rupees and upwards due by the Government of India, or by any body corporate or person in British India :

Provided that no such note shall be deemed to be a legal tender by the Government of India at any Office of Issue.

Notes where legal tender.

IV.—Reserve.

16. The whole amount of the coin and bullion received under this Act for notes shall be retained and secured as a reserve to pay such notes, with the exception of such an amount, not exceeding sixty millions of rupees, as the Governor General in Council, with the consent of the Secretary of State for India, from time to time fixes.

Bullion received for notes to be kept as a reserve.

Except amount fixed as minimum limit of circulation.

17. The amount so fixed shall be published in the *Gazette of India* and the whole or such part thereof as the Governor General in Council from time to time fixes shall be invested in securities of the Government of India: the said coin, bullion, and securities shall be appropriated and set apart to provide for the satisfaction and discharge of the said notes; and the said notes shall be deemed to have been issued on the security of the coin, bullion, and securities so appropriated and set apart, as well as on the general credit of the Government:

Investment of such amount.

Appropriation of coin, bullion, and securities.

Provided that any silver bullion or foreign coin received under this Act may be sold or exchanged for silver coin of the Government of India, and that any gold coin or bullion received under this Act may be sold or exchanged for silver coin or bullion to be so appropriated and set apart instead of the gold coin or bullion.

Sale or exchange of bullion and foreign coin.

For the purposes of this section, silver bullion and coin shall be rated at ninety-eight rupees per hundred tolas, and gold bullion and coin at the rates fixed by the Governor General in Council under section twelve.

18. The Government securities so purchased shall be held by the Head Commissioner and the Master of the Mint at Calcutta, in trust for the Secretary of State for India in Council.

Trustees of securities purchased under Act.

19. The Head Commissioner may, at any time when ordered so to do by the Governor General in Council, sell and dispose of any portion of the above-mentioned limited amount of Government securities.

Power to sell such securities.

For the purpose of effecting such sales, the Master of the Mint at Calcutta shall, on a request in writing from the Head Commissioner, at all times sign and endorse such Government securities, and the said Head Commissioner, if so directed by the Governor General of India in Council, may purchase Government Securities to replace such sales.

Power to replace them.

20. The interest accruing due on the securities purchased and held under this Act shall be entered in a separate account, to be annually rendered by the

Interest on such securities to be entered in a separate account.

Head Commissioner to the Governor General in Council.

The amount of such interest shall from time to time, as it becomes due, be paid to the credit of the Government of India, under the head of "Profits of Notes Circulation," and an account showing the amount of such profits and of the charges and expenses incidental thereto, shall be made up and published annually in the *Gazette of India*.

"Profits of Notes Circulation."

Annual account.

V.—Miscellaneous.

21. An abstract of the accounts of the Department of Issue showing—

the whole amount of notes in circulation,

the amount of coin and bullion reserved, distinguishing gold from silver, and

the amount of the Government Securities held by the said Department,

shall be made up monthly in Calcutta, and published as soon as may be in the *Gazette of India*.

Monthly abstracts of accounts.

22. All notes issued under this Act shall be deemed to be promissory notes of the Government of India, and may be described as promissory notes of the Government of India in all indictments, and in criminal and civil proceedings.

Description of notes in indictments.

23. No body corporate or person in British India shall draw, accept, make or issue any bill of exchange, hundí, promissory note or engagement for the payment of money payable to bearer on demand, or borrow, owe, or take up any sum or sums of money on the bills, hundís or notes payable to bearer on demand, of any such body corporate or of any such person:

Prohibition of issue of private bills or notes payable to bearer on demand.

Provided that cheques or drafts payable to bearer on demand or otherwise, may be drawn on bankers, shroffs, or agents, by their customers or constituents, in respect of deposits of money in the hands of such bankers, shroffs, or agents, and held by them at the credit and disposal of the persons drawing such cheques or drafts.

Exception in favour of cheques.

24. Any body corporate or person committing any offence under section twenty-three shall, on conviction before a Magistrate, be liable to a penalty to the amount of the bill, hundí, note or engagement in respect whereof the offence is committed.

Every prosecution under this section shall be instituted by the Head Commissioner, Commissioner, or Deputy Commissioner, as the case may be, of the Circle of Issue in which such bill, hundí, note or engagement is drawn, accepted, made or issued.

Penalty for issuing such bills or notes.

Supplementary Powers.

25. The Governor General in Council may from time to time, by notification in the *Gazette of India*—

Supplementary powers of the Government of India.

(1) fix the amounts (not being less than ten rupees) for which notes shall be issued under this Act,

(2) alter the limits of any of the said Circles of Issue,

(3) declare the places at which notes shall be issued under this Act,

(4) fix the rates, rules and conditions at and according to which gold may be taken in exchange for Government promissory notes,

(5) fix the charge for melting and assaying bullion and foreign coin received for Government promissory notes,

(6) fix the interval on the expiration of which holders of certificates under section fourteen shall be entitled to receive Government promissory notes,

(7) regulate any matters relative to Paper Currency which are not provided for by this Act,

(8) revoke or alter any notification previously made under this Act.

Every such notification shall come into force on the day therein in that behalf mentioned, and shall have effect as if it were enacted in this Act:

Provided that no notification under clause four of this section shall have effect until six months have elapsed from the date of its appearance in the *Gazette of India*.

SCHEDULE.

Number and year of Act.	Title.
XIX of 1861 ...	An Act to provide for a Government Paper Currency.
XXIV of 1861 ...	An Act to enable the Banks of Bengal, Madras and Bombay to enter into arrangements with the Government for managing the issue, payment and exchange of Government Currency Notes and certain business hitherto transacted by the Government Treasuries.
I of 1866 ...	An Act to amend Act XIX of 1861 (*to provide for a Government Paper Currency.*)
XXX of 1867 ...	An Act to amend Act XIX of 1861 (*to provide for a Government Paper Currency.*)
XV of 1870 ...	An Act for the further amendment of Act No. XIX of 1861.

STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to consolidate the law relating to the Government Paper Currency, which is now contained in four Acts, XIX of 1861, I of 1866, XXX of 1867, and XV of 1870. The opportunity has been taken to repeal the obsolete Act XXIV of 1861, and to improve the arrangement and wording of the existing law.

R. TEMPLE.

The 19th November 1870.

WHITLEY STOKES,
Secy. to the Govt. of India.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, DECEMBER 17, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

THE following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd December 1870, and was referred to a Select Committee with instructions to make their report thereon in two months :—

No. 27 OF 1870.

THE INDIAN LIMITATION BILL, 1871.

CONTENTS.

Preamble.

Sections.

I.—Preliminary.

1. Short title.
   Local extent.
   Commencement.
   Act not retrospective.
2. Repeal of enactments.
3. Interpretation-clause.

II.—Limitation of Suits.

4. Dismissal of suits instituted after period of limitation.
5. Proviso where Court is closed when period expires.
   Proviso as to appeals and applications for review.
   Appeals once admitted not to be dismissed as late.
6. Shorter period limitation prescribed by local laws.
7. Legal disability.
8. Disability of one joint-creditor.
9. Continuous running of time.

III.—Computation of Period of Limitation.

10. Exclusion of day on which right to sue accrues.
    Exclusions in case of civil appeals and certain applications.

Sections.

11. Exclusion of time of defendant's absence from British India.
12. Exclusion of time of suing *bonâ fide* in wrong Court.
13. Exclusion of time during which commencement of suit is stayed by injunction.
14. Exclusion of time during which judgment-debtor sues to set aside execution-sale.
15. Effect of death before right to sue accrues.
16. Effect of fraud.
17. Effect of acknowledgment in writing.
18. Effect of substituting or adding new plaintiff or defendant.
Proviso where original defendant dies.
19. Computation where there are successive breaches of contract.
Computation where the breach is continuing.
Continuing nuisance.
20. Suit for compensation for lawful act becoming unlawful.
21. Decree directing payment by instalments.
22. Time mentioned in Native instruments.

IV.—Adverse Possession and Prescription.

23. What constitutes adverse possession.
24. Relations affecting adverse possession.
25. Title by prescription.

V.—Miscellaneous.

26. Suits against express trustees and their representatives.
27. Foreign limitation-law.
28. Suits on foreign contracts.

First Schedule (Enactments repealed).
Second Schedule (suits, appeals and applications).
Index.

A BILL FOR THE LIMITATION OF SUITS.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the limitation of suits, appeals and certain applications to Courts; It is hereby enacted as follows:—

I.—Preliminary.

Short title.

1. This Act may be called 'The Indian Limitation Act, 1871:'

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force on the first day of *March* 1871:

Act not retrospective.

But nothing herein contained applies to suits in which the right to sue accrued before that day, or to applications to execute decrees or orders then in force.

Repeal of enactments.

2. The enactments mentioned in the first schedule hereto annexed are repealed to the extent specified in the third column of the same schedule.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context—

'plaintiff' includes any person through whom a plaintiff claims:

'bill of exchange' includes a hundí:

'trustee' does not include a benámídár, a mortgagee remaining in possession after the mortgage has been satisfied, or a wrong-doer in possession without title:

'registered' means duly registered under the law for the registration of assurances in force at the time and place of executing the instrument referred to in the context;

and nothing shall be deemed to be done in 'good faith' which is not done with due care and attention.

II.—Limitation of Suits.

Dismissal of suits instituted after period of limitation.

4. Subject to the provisions contained in sections five to twenty-six (inclusive), every suit instituted, appeal presented, and application made after the period of limitation prescribed therefor by the second schedule hereto annexed, shall be dismissed, although limitation has not been set up as a defence.

Explanation.—A suit is instituted in ordinary cases when the plaint is presented to the proper officer: in the case of a pauper, when his application for leave to sue as a pauper is filed; and in the case of a claim against a company which is being wound up by the Court, when the claimant first sends in his claim to the official liquidator.

5. Provided—

Proviso where court is closed when period expires.

(*a*) that if the period of limitation prescribed for any suit, appeal or application expires on a day when the Court is closed, the suit, appeal or application may be instituted, presented or made on the day that the Court re-opens:

Proviso as to appeals and applications for review.

(*b*) that any appeal or application for a review of judgment may be admitted after the period of limitation prescribed therefor, when the appellant or applicant satisfies the Court that he had sufficient cause for not presenting the appeal or making the application within such period; and

Appeal once admitted not to be dismissed as late.

(*c*) that no Court, after admitting and registering an appeal, shall dismiss it on the ground that it was not presented within the prescribed period.

Shorter period of limitation prescribed by local laws.

6. When, by any law now or hereafter to be in force in any part of British India, a period of limitation shorter than that prescribed by this Act is specially prescribed for a particular class of suits or appeals, nothing herein contained shall affect such law.

Legal Disability.

Legal disability.

7. If a person entitled to sue be, at the time the right to sue accrued,

1*st*, within the age of eighteen years;

2*nd*, insane; or

3*rd*, an idiot;

he may institute the suit within the same period after the disability has ceased, or (when he is at the time of the accrual affected by two disabilities) after both disabilities have ceased, as would otherwise have been allowed from the time prescribed therefor in the third column of the second schedule hereto annexed.

When his disability continues up to his death, his representative in interest may institute the suit within the same period after the death as would otherwise have been allowed from the time prescribed therefor in the third column of the same schedule.

Nothing in this section shall be deemed to extend, for more than three years from the cessation or death, the period within which the suit must be brought.

Disability of one joint creditor.

8. When one of several joint creditors or claimants is under any such disability, and when a discharge can be given without the concurrence of such person, time will run against them all: but where no such discharge can be given, time will not run as against any of them until they all are free from disability.

Continuous running of time.

9. When once time has begun to run, no subsequent disability or inability to sue stops it.

III.—Computation of Period of Limitation.

Exclusion of day on which right to sue accrues.

10. In computing the period of limitation prescribed for any suit, the day on which the right to sue accrued shall be excluded.

Exclusions in case of civil appeals and certain applications.

In computing the period of limitation prescribed for an appeal under the Code of Civil Procedure, an application for leave to appeal as a pauper, and an application to the High Court for the admission of a special appeal, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree appealed against, shall be excluded.

Exclusion of time of defendant's absence from British India.

11. In computing the period of limitation prescribed for any suit, the time during which the defendant has been absent from British India shall be excluded, unless service of a summons to appear and answer in the suit can, during such absence, be made under the Code of Civil Procedure, section sixty.

Exclusion of time of suing *bonâ fide* in wrong Court.

12. In computing the period of limitation prescribed for any suit, the time during which the plaintiff has been prosecuting with due diligence another suit, whether in a Court of first instance or in a Court of appeal, against the same defendant or some person whom he represents, shall be excluded, where the last-mentioned suit is founded upon the same right to sue, and is instituted in good faith in a Court not having jurisdiction to try it.

Explanation 1.—In excluding the time during which a former suit was pending, the day on which that suit was instituted, and the day on which the proceedings therein ended, shall both be counted.

Explanation 2.—A plaintiff resisting an appeal presented on the ground of want of jurisdiction, shall be deemed to be prosecuting a suit within the meaning of this section.

Exclusion of time during which commencement of suit is stayed by injunction.

13. In computing the period of limitation prescribed for any suit, the commencement of which has been stayed by injunction, the time of the continuance of the injunction shall be excluded.

Exclusion of time during which judgment-debtor sues to set aside execution sale.

14. In computing the period of limitation prescribed for a suit for possession by a purchaser at a sale in execution of a decree, the time during which the judgment-debtor has been prosecuting a suit to set aside the sale shall be excluded.

Effect of death before right to sue accrues.

15. When a person who would, if he were living, have a right to sue, dies before the right accrues, the period of limitation shall be computed from the time when there is a representative in interest of the deceased.

When a person against whom, if he were living, a right to sue would have accrued, dies before the right accrues, the period of limitation shall be computed from the time when there is a representative whom the plaintiff may sue.

Effect of fraud.

16. When any person having a right to sue has, by means of fraud, been kept from the knowledge of such right or of the title on which it is founded,

and where any document necessary to establish such right has been fraudulently concealed,

the time limited for commencing a suit,

(*a*) against the person guilty of the fraud, or accessory thereto, or,

(*b*) against any person claiming through him otherwise than in good faith and for a valuable consideration,

shall be computed from the time when the fraud first became known to the person injuriously affected thereby, or in the case of the concealed document, when he first had the means of producing it or compelling its production.

17. No acknowledgment or promise in respect of a debt or legacy shall take the case out of the operation of this Act, unless such acknowledgment or promise is contained in some writing signed by the party to be charged therewith.

Effect of acknowledgment in writing.

When such writing exists, a new period of limitation, according to the nature of the original liability, shall be computed from the time when the acknowledgment or promise was signed: Provided that, where more partners, executors, or other persons than one are liable, none of them shall become chargeable by reason only of a written acknowledgment or promise signed by another of them.

When the writing containing the acknowledgment or promise is undated, oral evidence may be given of the time when it was signed. But when it is alleged to have been destroyed or lost, oral evidence of its contents shall not be received.

Explanation.—For the purposes of this section, an acknowledgment or promise may be sufficient, though it omits to specify the exact amount of the debt or legacy, or avers that the time for payment or delivery has not yet come, or sets up limitation as a bar, or is accompanied by a refusal to pay or deliver, or is coupled with a claim to a set-off, or is addressed to any person other than the creditor or legatee.

Illustrations.—Z, a bond-debtor, himself writes a letter promising to pay the debt to his creditor A. Z affixes his seal, but does not sign the letter:

He pays part of the debt and promises orally to pay the rest:

He pays interest on the debt:

He pays part of the debt, and signs a memorandum of the part-payment:

Z's agent writes and signs a letter to A, promising to pay the debt:

Z publishes an advertisement, requesting his creditors to bring in their claims for examination:

In none of these cases is the debt taken out of the operation of this Act.

18. When, after the institution of a suit, a new plaintiff or defendant is substituted or added, the period of limitation applicable to such suit shall, as regards him, be computed up to the time when he was so made a party:

Effect of substituting or adding new plaintiff or defendant.

Provided that when a defendant dies, and the suit is continued against his representatives in interest, it shall, as regards them, be deemed to have been commenced when it was instituted against the deceased defendant.

Proviso where original defendant dies.

19. In the case of a suit for the breach of a contract, where there are successive breaches, a fresh right to sue arises, and a fresh period of limitation begins to run, upon every fresh breach; and where the breach is a continuing breach, a fresh right to sue arises, and a fresh period of limitation begins to run, at every moment of the time during which the breach continues.

Computation where there are successive breaches of contract.

Computation where the breach is continuing.

In the case of a continuing nuisance a fresh right to sue arises, and a fresh period of limitation begins to run, at every moment of the time during which the nuisance continues.

Continuing nuisance.

Illustration (*a*.)—A contracts to pay an annuity to B for his life by quarterly instalments. A fails to pay any of the instalments. Here upon every fresh failure, a fresh right to sue arises and a fresh period of limitation begins to run; and this Act may bar the remedy on the earlier breaches without affecting the remedy on the later breaches.

Illustration (*b*.)—A, a tenant, covenants with B, his landlord, to keep certain buildings in repair. At every moment of the time during which the buildings continue out of repair and B retains his right of entry, a fresh right to sue arises and a fresh period of limitation begins to run.

Illustration (*c*.)—A diverts B's watercourse. At every moment of the time during which the diversion continues and B retains his right of entry, a fresh right to sue arises and a fresh period of limitation begins to run.

20. In the case of a suit for compensation for an act lawful in itself, which becomes unlawful in case it causes damage, the period of limitation shall be computed from the time when the damage accrues.

Suit for compensation for lawful act becoming unlawful.

When the damage done by such act is of a continuing nature, the period of limitation shall be computed from the time when such damage ceases.

Illustration (*a*).—A owns the surface of a field. B owns the subsoil. B digs coal thereout without causing any immediate apparent injury to the surface, but at last the surface subsides. The period of limitation runs from the time of the subsidence.

Illustration (*b*).—A digs a canal on his own land and thereby causes a stream of water to flow against his neighbour's wall and gradually to undermine it, so that at last the wall falls. The period of limitation runs from the time of the falling.

21. When a decree directs payment to be made by instalments at specified dates, for the purpose of computing the time within which application may be made to enforce each instalment, the date when it becomes due shall be deemed the date of the decree.

Decree directing payment by instalments.

22. In the absence of evidence to the contrary, an instrument made by a Native shall, for the purposes of this Act, be deemed to be made with reference to the calendar ordinarily employed by him.

Time mentioned in Native instruments.

Illustration (*a*).—A Hindú makes a promissory note bearing a Native date only, and payable four months after date. There is no evidence as to the calendar to which he referred. In computing the period of limitation applicable to a suit on the note, the four months shall be computed according to the Native calendar ordinarily used by the maker.

Illustration (*b*).—A Hindú makes a bond, bearing a Native date only, for the repayment of money within one year. There is no evidence as to the calendar to which he referred. The year shall be computed according to the Native calendar ordinarily used by the obligor.

IV.—Adverse Possession and Prescription.

23. For the purpose of constituting an adverse possession by a person claiming title, land is deemed to have been possessed and occupied

What constitutes adverse possession.

(1) where it has been usually cultivated or improved,

(2) where it has been protected by a substantial enclosure,

(3) where buildings have been erected upon it, or

(4) where it has been used for the supply of fuel, timber, minerals, wax, honey, lac, juice of trees and the like, or for the purposes of husbandry, or otherwise for the benefit of the occupant;

and an hereditary office is deemed to have been possessed when the profits thereof have been usually received.

24. When the relation of landlord and tenant, principal and agent, or master and servant has existed between any persons, the possession of the tenant, agent, or servant is deemed the possession of the landlord, principal, or master until the expiration of twelve years from the termination by the landlord, principal, or master of the tenancy, agency or service. But such presumption cannot be made after the periods herein limited.

Relations affecting adverse possession.

Prescription.

25. Adverse, uninterrupted possession for the period hereby limited in the case of any suit for the recovery of property confers a title thereto, which is sufficient against all.

Title by prescription.

V.—Miscellaneous.

26. Notwithstanding anything hereinbefore contained, no suit against a person to whom property has been conveyed in trust for specific purposes, and no suits against his representatives, for the purpose of following in his or their hands such property, shall be barred by any length of time.

Suits against express trustees and their representatives.

27. No foreign rule of limitations shall be a defence to a suit in British India on a contract entered into in a foreign country, unless the rule has extinguished the contract, and the parties were living in such country when the extinction took place.

Foreign limitation law.

28. Suits in British India on contracts entered into in a foreign country are subject to the rules prescribed by this Act.

Suits on foreign contracts.

FIRST SCHEDULE.

(*See section 2.*)

Number and year.	Subject or title.	Extent of repeal.
21 Jac. I, cap. sixteen ...	An Act for limitation of actions and for avoiding of suits in law.	The whole Statute.
4 Ann, cap. sixteen ...	An Act for the amendment of the law and the better advancement of justice.	Sections seventeen, eighteen and nineteen.
53 Geo. III, cap. one hundred and fifty-five.	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company.	Section one hundred and twenty-four, so far as it applies to British India.
6 & 7 Vic., cap. ninety-four ...	Foreign Jurisdiction Act ...	Section seven, so far as it applies to British India.
Act No. XI of 1841 ...	Military Courts of Requests ...	The proviso in section nine.
Act No. XII of 1855 ...	An Act to enable Executors, Administrators or Representatives to sue and be sued for certain wrongs.	In section one, the words "and provided such action shall be brought within one year after the death of such person," and the words "and so as such action shall be commenced within two years after the committing of the wrong."
Act No. XIII of 1855 ...	An Act to provide compensation to families for loss occasioned by the death of a person caused by actionable wrong.	In section two, the words "and that every such action shall be brought within twelve calendar months after the death of such deceased person."
Act No. XXV of 1857 ...	Forfeiture for mutiny	Section nine.
Act No. VIII of 1859 ...	The Code of Civil Procedure ...	In section one hundred and nineteen, the words "within a reasonable time not exceeding thirty days after any process for enforcing the judgment has been executed," and the words "within thirty days from the date of the judgment." In section two hundred and thirty, the words "within one month from the date of the dispossession." In section two hundred and thirty-one, the words "within one month from the date of the dispossession." The last twelve words of section two hundred and forty-six. In section two hundred and fifty-six, the words "at any time within thirty days from the date of the sale." In section two hundred and sixty-nine, the words "if made within one month from the date of such existence or obstruction, or of such dispossession as the case may be." In section three hundred and twenty-four, the second sentence. In section three hundred and twenty-seven, the words "within six months from the date of the award." In section three hundred and thirty-three, from and including the words "within the period" down to the end of the section. In section three hundred and forty-seven, the words "within thirty days from the date of the dismissal." In section three hundred and seventy-three, the words "within the period prescribed for the presentation of a memorandum of appeal." Section three hundred and seventy-seven.
Act No. IX of 1859 ...	Forfeited property	The proviso in section twenty.
Act No. XIV of 1859 ...	An Act to provide for the limitation of suits.	The whole Act, except so much of section fifteen as does not relate to the limitation of suits.
Act No. IX of 1860 ...	Workmen and employers ...	So much of section two as relates to the limitation of suits.
Act No. XXXI of 1860 ...	Arms Act	So much of section forty-nine as relates to the limitation of suits.
Act No. V of 1861 ...	Mofussil Police	So much of section forty-two as relates to the limitation of suits.
Act No. XXIII of 1861 ...	Civil Procedure Code Amendment ...	Section twelve.
Act No. I of 1863 ...	Civil Courts in British Burma ...	Section twenty-four.
Act No. VI of 1863 ...	Consolidated Customs Act ...	So much of section two hundred and fourteen as relates to the limitation of suits.
Act No. XXIII of 1863 ...	Claims to Waste-lands ...	So much of section five as relates to the limitation of suits.

FIRST SCHEDULE—*continued.*

FIRST SCHEDULE—*concluded.*

Number and year.	Subject or title.	Extent of repeal.
Act No. VII of 1865 ...	Government Forests Act ...	So much of section sixteen as relates to the limitation of suits.
Act No. XX of 1866 ...	Registration Act ...	Section fifty-one.
Act No. XIV of 1868 ...	Contagious Diseases Act ...	So much of section twenty-five as relates to the limitation of suits.
Act No. XX of 1869 ...	Volunteers ...	So much of section twenty-two as relates to the limitation of suits.
Act No. X of 1870 ...	Land Acquisition ...	So much of section fifty-eight as relates to the limitation of suits.
Bombay Regulation V of 1827...	A Regulation defining the Limitations, as to Time, within which Civil Actions may be prosecuted, and containing Rules of Judication respecting written Acknowledgments of Debts executed without receipt of a full consideration; also regarding Interest, the tendering payment of Debts, and the disposal of Property mortgaged or pledged.	Section one, clause one.

SECOND SCHEDULE.

(*See section 4.*)

Description of suit.	Period of limitation.	Time when period begins to run.
	Part I.—Ten days.	
1.—Application to set aside an award.	Ten days ..	When the award is submitted to the Court.
1A.—Complaint, under the Cattle-trespass Act, of an illegal seizure.	Ditto ...	The date of the seizure.
	Part II.—Thirty days.	
2.—Suit to contest an award of the Board of Revenue under Act No. XXIII of 1863 (*to provide for the adjudication of claims to waste-lands*).	Thirty days ...	The date of the award.
3.—Appeal under the Code of Civil Procedure to the Court of a District Judge.	Ditto ...	The date of the decree appealed against.
3A.—Appeal under the Code of Criminal Procedure to any Court other than the High Court.	Ditto ...	The date of the sentence or order appealed against.
4.—Application by a plaintiff for an order to set aside a judgment by default.	Ditto ...	The date of the judgment.
5.—Application by a defendant for an order to set aside a judgment *exparte.*	Ditto ...	The date of executing any process for enforcing the judgment.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part II.—Thirty days,—concluded.	
6.—Application under the Code of Civil Procedure, section two hundred and thirty.	Thirty days ...	The date of the dispossession.
7.—Application to set aside a sale in execution of a decree, on the ground of irregularity in the publishing or conducting the sale.	Ditto ...	The date of the sale.
8.—Application complaining of resistance or obstruction to delivery of possession of immoveable property sold in execution of a decree, or of dispossession in the delivery of possession to the purchaser of such property.	Ditto ...	The date of the resistance, obstruction, or dispossession.
9.—Application for re-admission of an appeal dismissed for want of prosecution.	Ditto ...	The date of the dismissal.
	Part III.—Sixty days.	
9 A.—Appeal to the High Court under the Code of Criminal Procedure.	Sixty days ...	The date of the sentence or order appealed against.
	Part IV.—Ninety days.	
10.—Suit for an act done in pursuance of any enactment in force for the time being in British India.	Ninety days ...	When the act was done.
11.—Appeal to the High Court under the Code of Civil Procedure.	Ditto ...	The date of the decree appealed against.
12.—Application for leave to appeal as a pauper.	Ditto ...	Ditto.
13.—Application to a High Court for the admission of a special appeal.	Ditto ...	Ditto.
14.—Application for a review of judgment.	Ditto ...	The date of the decree.
	Part V.—Six Months.	
15.—Suit under Act No. XIV of 1859 (*to provide for the limitation of suits*), section fifteen, to recover possession of immoveable property.	Six months ...	When the dispossession occurs.
16.—Claim under Act No. IX of 1860 (*to provide for the speedy determination of certain disputes between workmen engaged in Railway and other public works and their employers*), section one.	Ditto ...	When the wages, hire, or price of work claimed accrued due.
17.—Suit under Act No. V of 1866 (*to provide a summary procedure on bills of exchange, and to amend, in certain respects, the commercial law of British India.*)	Ditto ...	When the bill or promissory note becomes due and payable.
18.—Application under the Code of Civil Procedure, section three hundred and twenty-seven, that an award be filed in Court.	Ditto ...	The date of the award.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VI.—One Year.	
19.—Suit upon a Statute, Act or Regulation for a penalty or forfeiture.	One year ...	When the penalty or forfeiture is incurred.
20.—Suit for the wages of a domestic servant, artisan or labourer not provided for by No. 16.	Ditto ...	When the wages sued for accrue due.
21.—Suit for the amount of a tavern-bill, or of a bill for board and lodging, or for lodging only.	Ditto ...	When the bill is delivered.
22.—Suit to enforce a right of pre-emption, whether the right is founded on law, or general usage, or on special contract.	Ditto ...	When the purchaser takes actual possession under the sale sought to be impeached.
23.—Suit for infringing copyright.	Ditto ...	The date of the infringement.
24.—Suit for property seized under Act No. XXV of 1857 (*to render officers and soldiers in the Native Army liable to forfeiture of property for mutiny*), or for the restoration or recovery of such property, or its proceeds.	Ditto ...	When the property is seized.
25.—Suit by executors, administrators, or representatives under Act No. XII of 1855 (*to enable executors, administrators or representatives to sue and be sued for certain wrongs*), or under Act No. XIII of 1855 (*to provide compensation to families for loss occasioned by the death of a person caused by actionable wrong*).	Ditto ...	The date of the death of the person wronged or killed.
26.—Suit for the recovery of the person of a wife.	Ditto ...	When possession is demanded and refused.
27.—Suit for the restitution of conjugal rights.	Ditto ...	When restitution is demanded and refused.
28.—Suit to set aside any of the following sales:—	Ditto ...	The time that the sale is confirmed, or would otherwise have become final and conclusive had no such suit been brought.
(*a*) sale in execution of a decree of a Civil Court not established by Royal Charter;		
(*b*) sale in pursuance of a decree or order of a Collector or other officer of revenue;		
(*c*) sale for arrears of Government revenue or for any demand recoverable as such arrears;		
and (when the suit is brought by a patnídár or a person claiming under a patnídár) sale of a patní táluq sold for current arrears of rent.		
Explanation.—In this clause 'patní' includes any intermediate tenure saleable for current arrears of rent, and 'patnídár' includes the proprietor of such tenure.		

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VI.—One year, —concluded.	
29.—Suit to alter or set aside a summary decision or order of a civil court not established by Royal Charter.	One year ...	The date of the final decision or order in the case by a court competent to determine it finally.
30.—Suit by a person dispossessed under an execution-sale to have his rights declared and for recovery of possession.	Ditto ...	The date of the dispossession.
31.—Suit against Government to set aside any attachment, lease or transfer of immoveable property by the revenue authorities for arrears of Government revenue.	Ditto ...	When the attachment, lease or transfer is made.
32.—Suit against Government to recover money paid under protest in satisfaction of a claim made by the revenue authorities on account of arrears of revenue or on account of demands recoverable as such arrears.	Ditto ...	When the payment is made.
33.—Suit against Government for compensation for land acquired for public purposes, or for compensation when the acquisition is not completed.	Ditto ...	The date of determining the amount of the compensation, or the date of the refusal to complete.
33A.—Application for the execution of a decision (other than a decree or order passed in a regular suit or on appeal) of a Civil court not established by Royal Charter or of a Revenue court.	Ditto ...	The date of the decision or of taking some proceeding to enforce, or keep in force, the decision.
	Part VII.—Two years.	
34.—Suit for false imprisonment ...	Two years ...	When the imprisonment ends.
35.—Suit for any other injury to the person.	Ditto ...	When the injury is committed.
36.—Suit for a malicious prosecution ...	Ditto ...	When the plaintiff is acquitted.
37.—Suit for libel ...	Ditto ...	When the libel is published.
38.—Suit for slander ...	Ditto ...	When the words are spoken.
39.—Suit for trespass upon immoveable property.	Ditto ...	When the trespass takes place.
40.—Suit for obstructing a way or a water-course	Ditto ...	The date of the obstruction.
41.—Suit for diverting a water-course ...	Ditto ...	The date of the diversion.
42.—Suit for taking or damaging moveable property.	Ditto ...	When the taking or damage occurs.
43.—Suit for wrongfully detaining title-deeds.	Ditto ...	When the title to the property comprised in the deeds is adjudged to the plaintiff.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VII.—Two years,—concluded.	
44.—Suit for wrongfully detaining any other moveable property.	Two years ...	When the detainer's property becomes unlawful.
45.—Suit for specific recovery of moveable property.	Ditto ...	When the property is demanded.
46.—Suit for lost moveable property which the possessor refuses to restore.	Ditto ...	The date of the refusal.
47.—Suit for slander of title to property.	Ditto ...	When damage is caused by the slander.
48.—Suit for loss of service occasioned by the seduction of the plaintiff's servant or daughter.	Ditto ...	When the loss occurs.
49.—Suit for inducing a person to break a contract with the plaintiff.	Ditto ...	The date of the breach.
50.—Suit for an illegal, irregular, or excessive distress.	Ditto ...	The date of the distress.
51.—Suit for wrongful seizure of moveable property under legal process.	Ditto ...	The date of the seizure.
52.—Suit against a carrier for losing or injuring goods.	Ditto ...	When the loss or injury occurs.
53.—Suit against a carrier for delay in delivering goods.	Ditto ...	When the goods ought to be delivered.
54.—Suit against one who, having a right to use property for specific purposes, perverts it to other purposes.	Ditto ...	The time of the perversion.
55.—Suit under Act No. XII of 1855 *(to enable executors, administrators or representatives to sue and be sued for certain wrongs)* against an executor, administrator or other representative.	Ditto ...	When the wrong complained of is committed.
56.—Suit for compensation for any wrong, malfeasance, nonfeasance or misfeasance independent of contract and not herein specially provided for.	Ditto ...	When the default happens.
	Part VIII.—Three years.	
57.—Suit to contest an award under any of the following Regulations of the Bengal Code:— VII of 1822, IX of 1825, and IX of 1833.	Three years ...	The date of the final award or order in the case.
58.—Suit to recover any property comprised in such award.	Ditto ...	Ditto.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VIII.—Three years,—continued.	
59.—Suit by any person bound by an order respecting the possession of property made under Act No. XVI of 1838, section one, clause two, or Act No. XXV of 1861, chapter twenty-two, or by any one claiming under such person, to recover the property comprised in such order.	Three years ...	The date of the final order in the case.
60.—Suit for the hire of animals, vehicles, boats or household furniture.	Ditto ...	The date of the hiring.
61.—Suit for the balance of money advanced in payment of goods to be delivered.	Ditto ...	When the goods ought to be delivered.
62.—Suit for the price of goods sold and delivered, where no fixed period of credit is agreed upon.	Ditto ...	The date of the delivery of the goods.
63.—Suit for the price of goods sold and delivered to be paid for after the expiry of a fixed period of credit.	Ditto ...	The expiry of the period of credit.
64.—Suit for the price of goods sold and delivered to be paid for by a bill of exchange, no such bill being given.	Ditto ...	When the period of the proposed bill elapses.
65.—Suit for the price of trees or growing crops sold by the plaintiff to the defendant where no fixed period of credit is agreed upon.	Ditto ...	The date of the sale.
66.—Suit for the price of work done by the plaintiff for the defendant at his request.	Ditto ...	When the work is done.
67.—Suit for money payable for money lent or for money lent under an agreement that it shall be payable on demand.	Ditto ...	When the loan is made.
68.—Suit for money payable to the plaintiff for money paid for the defendant.	Ditto ...	When the money is paid.
69.—Suit for money payable by the defendant to the plaintiff for money received by the defendant for the plaintiff's use.	Ditto ...	When the money is received.
70.—Suit for money payable for interest upon money due from the defendant to the plaintiff where there is no registered agreement in writing to pay the interest.	Ditto ...	When the interest becomes due.
71.—Suit for money payable to the plaintiff for money found to be due from the defendant to the plaintiff on accounts stated between them.	Ditto ...	When the accounts are stated, unless where the debt is made payable at a future time and then when that time arrives.
72.—Suit upon a promise to do anything at a specified time, or upon the happening of a specified contingency.	Ditto ...	At the time specified or upon the contingency happening.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VIII.—Three years,—continued.	
73.—Suit upon a judgment not obtained in British India.	Three years ...	The date of the judgment.
74.—Suit against a factor for an account.	Ditto ...	When the account is demanded.
75.—Suit on a bill of exchange or promissory note payable at a fixed time after date.	Ditto ...	When the bill or note falls due.
76.—Suit on a bill of exchange payable at or after sight.	Ditto ...	When the bill is presented.
77.—Suit on a bill of exchange accepted payable at a particular place.	Ditto ...	When the bill is presented at that place.
78.—Suit on a bill of exchange or promissory note payable at a fixed time after sight or after demand.	Ditto ...	When the fixed time expires.
79.—Suit on a bill of exchange or promissory note payable on demand and not accompanied by any writing restraining or postponing the right to sue.	Ditto ...	The date of making or accepting.
80.—Suit by the endorsee of a promissory note against the endorser.	Ditto ...	The date of the endorsement.
81.—Suit on a promissory note or bond payable by instalments.	Ditto ...	The expiration of the first term of payment, as to the part then payable; and, for the other parts, the expiration of the respective terms of payment.
82.—Suit on a promissory note or bond payable by instalments, which provides that if default be made in payment of one instalment the whole shall be due.	Ditto ...	The time of the first default.
83.—Suit on a promissory note given by the maker to a third person to be delivered to the payee after a certain event should happen.	Ditto ...	The time of the delivery to the payee.
84.—Suit on a dishonoured foreign bill where protest has been made and notice given.	Ditto ...	When the notice is given.
85.—Suit by the payee against the drawer of a bill of exchange which has been dishonoured by non-acceptance.	Ditto ...	The date of the refusal to accept.
86.—Like suit when the bill has been dishonoured by non-acceptance and afterwards by non-payment.	Ditto ...	Ditto.
87.—Suit by the acceptor of an accommodation-bill against the drawer.	Ditto ...	When the acceptor pays the amount.
88.—Suit by a surety against the principal debtor.	Ditto ...	When the surety first pays the creditor.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VIII.—Three years,—continued.	
89.—Suit by a surety against a co-surety.	Three years ...	When the plaintiff first pays anything in excess of his own share.
90.—Suit upon any other contract to indemnify.	Ditto ...	When the plaintiff is actually damnified.
91.—Suit by an attorney or vakíl for his costs of a suit or a particular business, there being no express agreement as to the time when such costs are to be paid.	Ditto ...	The termination of the suit or business, or (where the attorney or vakíl properly discontinues the suit or business) the date of such discontinuance.
92.—Suits for compensation for damages caused by an injunction wrongfully obtained.	Ditto ...	When the injunction ceases.
93.—Suit for the balance due on a mutual, open and current account, where there have been reciprocal demands between the parties.	Ditto ...	The time of the last item admitted or proved in the account.
94.—Suit on a policy of insurance when the sum assured is payable after proof of the death or loss has been given to or received by the insurers.	Ditto ...	When proof of the death or loss is given or received, to or by the insurers, whether by or from the plaintiff, or any other person.
95.—Suit by the assured to recover premia paid under a policy voidable at the election of the insurers.	Ditto ...	When the insurers elect to avoid the policy.
96.—Suit by a principal against his agent for moveable property received by the latter and not accounted for.	Ditto ...	When the account is demanded and refused.
97.—Other suits by principals against agents for neglect or misconduct.	Ditto ...	When the neglect or misconduct occurs.
98.—Suit to cancel or set aside an instrument not otherwise provided for.	Ditto ...	When the instrument is executed.
99.—Suit to declare the forgery of an instrument issued, or registered, or attempted to be enforced.	Ditto ...	The date of the issue, registration, or attempt.
100.—Suit for property which the plaintiff has conveyed while insane.	Ditto ...	When the plaintiff is restored to sanity and has knowledge of the conveyance.
101.—Suit for relief on the ground of fraud.	Ditto ...	When the fraud becomes known to the party wronged.
102.—Suit for relief on the ground of mistake in fact.	Ditto ...	When the mistake becomes known to the plaintiff.
103.—Suit for money paid upon an existing consideration, which afterwards fails.	Ditto ...	The date of the failure.
104.—Suit to make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust.	Ditto ...	The date of the trustee's death.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VIII.—Three years,—continued.	
105.—Suit for contribution by a party who has paid the whole amount due under a joint decree payable by rateable shares.	Three years ...	The date of the plaintiff's advance in excess of his own share.
106.—Suit by a co-trustee to enforce against the estate of a deceased trustee a claim for contribution.	Ditto ...	When the right to contribution accrues.
107.—Suit for a seaman's wages. ...	Ditto ...	The end of the voyage during which the wages are earned.
108.—Suit by a Muhammadan for exigible dower *(mu'ajjal)*.	Ditto ...	When the dower is demanded and refused, or (where during the continuance of the marriage no such demand has been made) when the marriage is dissolved by death or divorce.
109.—Suit by a Muhammadan for deferred dower *(muwajjal)*.	Ditto ...	When the marriage is dissolved by death or divorce.
110.—Suit by a mortgagor after the mortgage has been satisfied, to recover surplus collections received by the mortgagee.	Ditto ...	The date of the satisfaction of the mortgage.
111.—Suit for an account and a share of the profits of a dissolved partnership.	Ditto ...	The date of the dissolution.
112.—Suit by a Hindú manager of a joint estate for contribution in respect of a payment made by him on account of the estate.	Ditto ...	The date of the payment.
113.—Suit to set aside a decree obtained by fraud.	Ditto ...	The date of the decree.
114.—Suit by a lessor for the value of trees cut down by his lessee contrary to the terms of the lease.	Ditto ...	When the trees are cut down.
115.—Suit for the profits of land belonging to the plaintiff wrongfully received by the defendant.	Ditto ...	When the profits are received.
116.—Suit for arrears of rent, *málikáná* and *toda garás*.	Ditto ...	When the arrears become due.
117.—Suit by a vendor of land to enforce his lien for unpaid purchase-money.	Ditto ...	The time fixed for completing the sale, or (where the title is accepted after the time fixed for completion) the date of the acceptance.
118.—Suit for specific performance of a contract.	Ditto ...	When the plaintiff has notice that his right is denied.
119.—Suit for the rescission of a contract...	Ditto ...	When the contract is executed by the plaintiff.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part VIII.—Three years,—concluded.	
120.—Suit for the breach of any contract, express or implied, not in writing registered.	Three years ...	When the contract is broken, or (where there are successive breaches) when the breach sued for occurs, or (where the breach is continuing) when it ceases.
121.—Application for the execution of a decree or order of a court not established by Royal Charter.	Ditto ...	The date of the decree or order, or (when the application next hereinafter mentioned has been made) the date of applying in good faith to the court to enforce, or keep in force, the decree or order, or (when the notice next hereinafter mentioned has been issued) the date of issuing in good faith a notice under the Code of Civil Procedure, section two hundred and sixteen, or (where there has been an appeal) the date of the final decree or order of the Appellate Court, or (where there has been a review of judgment) the date of the decision passed on the review.
122.—Application for the execution of any such decree or order within the local limits of the ordinary original civil jurisdiction of a court established by Royal Charter.	Ditto ...	The date of filing in such Court the copy of the decree or order.
	Part IX.—Six years.	
123.—Suit on a promise or contract in writing registered.	Six years ...	When the right to sue accrues. *Explanation.*—In the case of a suit of any of the descriptions mentioned in Part VI or Part VIII of this schedule, the right to sue shall be deemed to accrue at the time fixed by the third column for such description of suit.
124.—Suit for which no period of limitation is provided elsewhere in this schedule.	Ditto ...	Ditto.
	Part X.—Twelve years.	
125.—Suit by an auction purchaser or any one claiming under him to avoid incumbrances or under-tenures in an entire estate sold for arrears of Government revenue, the estate being, by virtue of such sale, freed from incumbrances and under-tenures.	Twelve years ...	When the sale becomes final and conclusive.
126.—Suit to avoid incumbrances or under-tenures in a *patní táluq* or other saleable tenure sold for arrears of rent, the táluq or tenure being, by virtue of such sale, freed from incumbrances and under-tenures.	Ditto ...	When the sale becomes final and conclusive.
127.—Suit upon a judgment obtained in British India, or a recognizance.	Ditto ...	The date of the judgment or recognizance.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part X.—Twelve years,—continued.	
128.—Suit in a case governed by English law for the breach of a contract by specialty.	Twelve years ...	When the contract is broken.
129.—Suit for a legacy.	Ditto ...	When the legacy becomes payable or deliverable.
130.—Suit for an hereditary office.	Ditto ...	When the defendant, or some person through whom he claims, took adverse possession of the office.
131.—Suit by a landlord to recover possession from a tenant.	Ditto ...	When the tenancy is determined.
132.—Suit in a Court not established by Royal Charter by a mortgagee for possession of immoveable property mortgaged.	Ditto ...	When the mortgagee is first entitled to possession.
133.—Suit by a purchaser at a private sale for possession of the immoveable property sold, when the vendor was out of possession at the date of the sale.	Ditto ...	When the vendor is first entitled to possession.
134.—Like suit by a purchaser at a sale in execution of a decree, when the execution-debtor was out of possession at the date of the sale.	Ditto ...	When the execution-debtor is first entitled to possession.
135.—Suit by a purchaser of land at a sale in execution of a decree, for possession of the purchased land, when he never has had possession.	Ditto ...	The date of the sale.
136.—Like suit when the purchaser had possession, but was afterwards dispossessed.	Ditto ...	The date of the dispossession.
137.—Suit by a mírásídár to recover possession of mírás land, which his ancestor had resigned to Government, from a holder to whom Government had subsequently granted it.	Ditto ...	When the land was resigned.
138.—Suit by a remainderman, a reversioner, or an executory devisee, for possession of immoveable property.	Ditto ...	When his estate falls into possession.
139.—Like suit by a Hindú entitled to the possession of immoveable property on the death of a Hindú widow.	Ditto ...	When the widow dies.
140.—Suit by a Hindú governed by the law of the Mitákshará to set aside his father's alienation of ancestral property.	Ditto ...	The date of the alienation.
141.—Like suit by a Hindú governed by the law of the Dáyabhága.	Ditto ...	When the father dies.
142.—Suit during the life of a Hindú widow by a Hindú entitled to the possession of land on her death to have an alienation made by the widow declared to be void except for her life.	Ditto ...	When the alienation took place.

SECOND SCHEDULE—*continued.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part X.—Twelve years,—concluded.	
143.—Like suit after the widow's death ...	Twelve years ...	The date of the death.
144.—Suit by a Hindú excluded from joint-family property to enforce a right to share therein.	Ditto ...	In the case of a Hindú governed by the law of the Dáyabhága, the date of the death of the person from whom the property is alleged to have descended. In the case of any other Hindú, the date of the last payment to the plaintiff on account of the share by the person in possession or management of the property, not in any way on behalf of the plaintiff.
145.—Suit by a Hindú for maintenance.	Ditto ...	When the maintenance sued for is claimed and refused.
146.—Suit to set aside an adoption ...	Ditto ...	The date of the adoption.
147.—Suit for the resumption or assessment of rent-free land.	Ditto ...	When the right to resume or assess the land first accrued: Provided that no such suit shall be maintained where the land forms part of a permanently-settled estate, and has been held rent-free from the time of the Permanent Settlement.
148.—Suit to establish a periodically recurring right.	Ditto ...	When the plaintiff is first denied the enjoyment of the right.
149.—Suit for money charged upon or payable out of immoveable property.	Ditto ...	When the money becomes due.
150.—Suit for immoveable property or any interest therein not hereby otherwise specially provided for.	Ditto ...	When the defendant, or some person through whom he claims, took adverse possession of the property.
151.—Application to enforce a judgment, decree or order of any Court established by Royal Charter in the exercise of its ordinary original civil jurisdiction.	Ditto ...	When a present right to enforce the judgment, decree or order accrued to some person capable of releasing the right: Provided that, when the judgment, decree or order has been revived, or some part of the principal money secured thereby, or some interest on such money has been paid, or some acknowledgment of the right thereto has been given in writing signed by the person liable to pay such principal or interest or his agent, to the person entitled thereto or his agent, the twelve years shall be computed from the date of such revivor, payment or acknowledgment, or the latest of such revivors, payments or acknowledgments, as the case may be.

SECOND SCHEDULE—*concluded.*

Description of suit.	Period of limitation.	Time when period begins to run.
	Part XI.—Thirty years.	
152.—Suit against a depositary or pawnee to recover moveable property deposited or pawned.	Thirty years ...	The date of the deposit or pawn, unless where an acknowledgment of the title of the depositor or pawnor, or of his right of redemption, has been made in writing signed by the depositary, or pawnee, or some person claiming under him, and, in such case, the date of the acknowledgment.
153.—Suit to recover moveable property conveyed in trust, deposited or pawned and afterwards bought from the trustee, depositary or pawnee in good faith and for value.	Ditto ...	The date of the purchase.
	Part XII.—Sixty years.	
154.—Suit against a mortgagee to recover immoveable property mortgaged.	Sixty years ...	The date of the mortgage, unless where an acknowledgment of the title of the mortgagor or of his right of redemption has been made in writing signed by the mortgagee or some person claiming under him, and, in such case, the date of the acknowledgment.
155.—Suit to recover immoveable property conveyed in trust or mortgaged and afterwards purchased from the trustee or mortgagee in good faith and for value.	Ditto ...	The date of the purchase.
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Nothing hereinafter contained shall be deemed to have the force of law.

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STATEMENT OF OBJECTS AND REASONS.

Though the Limitation Act (XIV of 1859) has not been in force for eight years, its twenty-four sections have given rise to more than a thousand reported cases, of which many are inconsistent and some directly conflicting. The time therefore appears to have arrived for attempting to redraw and re-arrange the Act so as to render the law on so important a subject certain, simple and easily ascertainable.

The present Bill is arranged on the following principle. In determining whether a given suit is barred by limitation, three matters, and three only, need, as a rule, be considered. These are, first, the class to which the suit belongs; secondly, the period of limitation prescribed therefor, and, thirdly, the time when that period begins to run. Most of the difficulties which arise in applying the Limitation Act are caused by the third of these considerations. The framers of the Act, it is true, have in some cases expressly fixed the time at which the period of limitation shall be taken to commence. But as to suits for wages, hire, the price of goods sold by retail, and damages for several kinds of wrong, and as to the other innumerable suits for which no period is specially provided, they have contented themselves with declaring that the period runs "from the time the cause of action arose." To say when a cause of action arises is sometimes difficult, and the great feature of the present measure is its attempt to preclude this difficulty. The bulk of the Bill accordingly consists of a schedule of the commonest suits, shewing, in the case of each, (1) the period of limitation applicable thereto, and (2) the time when that period begins to run. Easy access to the contents of this schedule is given by a copious alphabetical index.

The Bill also repeals and re-enacts the limitation-rules as to suits under Acts in force throughout British India, as well as the provisions contained in the Code of Civil Procedure as to the time within which appeals and certain applications to Courts must be presented and made. The Bill provides (Schedule II, No. 121) for applications for the execution of decrees of mofussil Courts within the local limits of the ordinary original civil jurisdiction of the High Courts. This will supply an omission in the law which has lately been pointed out by the High Court of Madras (5 Mad. H. C. Rep. 219).

The other provisions of the Bill will now be noticed.

Act XIV of 1859, section 1, declares that "no suit shall be maintained unless the same is instituted within the period of limitation hereinafter made applicable to a suit of that nature." Upon this section many questions have arisen; as to the effect of pleading limitation; whether the plea can be considered on appeal where it has not been set up in the Court of first instance, and whether there is, in this respect, any distinction between regular and special appeals. The corresponding provision of the Bill (section 4) is, it is hoped, so framed as to preclude such questions.

The explanation to section 4 of the Bill enacts (in accordance with decisions of the High Court at Fort William) that a suit shall be considered as instituted, in ordinary cases, when the plaint is presented to the proper officer; in the case of a pauper, when his application to sue as such is filed, and in the case of a claim against a Company which is being wound up by the Court, when the claimant applies to the official liquidator.

Section 5 provides for the case where a period of limitation expires when the Court is closed, empowers the Court, in proper cases, to admit an appeal or an application for review after the period applicable thereto, and declares, in accordance with a decision of Sir B. Peacock's, that an appeal once admitted shall not be dismissed as late.

The section (7) on legal disability, in accordance with the original draft of Act XIV, omits the case of coverture. The identity of interests between husband and wife, even where the Indian Succession Act does not apply, will suffice to secure attention to her claims against third parties. The section provides for the case of two disabilities existing when the right to sue accrues.

Sections 8 and 9 embody the English law as to the effect of the disability of a joint creditor or claimant, and as to the continuous running of time.

In computing the period of limitation, contradictory rulings have been made as to whether the day on which the cause of action arose should be excluded. The Bill, section 10, settles this question in the affirmative.

Section 11—as to the effect of a defendant's absence from British India—is equivalent to Act XIV of 1859, section 13. But the words 'for any suit' have been introduced so as to preclude (in accordance with a decision of the Madras High Court) the application of this provision to the execution of decrees.

To section 12—as to the effect of suing *bonâ fide* in a wrong court—have been added explanations to shew, (1) that, in excluding the time during which a former suit was pending, the day on which that suit was instituted and the day on which the proceedings therein ended, shall both be counted, and (2) that a plaintiff resisting an appeal presented on the ground of want of jurisdiction shall be deemed to be prosecuting a suit within the meaning of the section. These provisions accord with the rulings in *Hurro Soonduree Dabea* v. *Kally Mohun* and in *Shumboonath Biswas* v. *Kistodhone Sircar* cited in the second edition of Mr. Thomson's work on Act XIV, pp. 288, 292.

No provision is made in Act XIV for a case where the commencement of a suit is stayed by injunction. Section 13 of the Bill provides (in accordance with the New York Code of Civil Procedure, section 589) that, in such case, the time that the injunction continues is no part of the period limited for the institution of the suit.

Section 14 declares, in accordance with the decision in *Gopal Chunder Ghose* v. *Raj Chunder Dutt*, 2 W. R. Mis. 9, that, in computing the period prescribed for a suit for possession by an execution-purchaser, the time during which the judgment-debtor has been suing to set aside the sale shall be excluded.

Section 15, in accordance with English cases, declares that when a person who would, if alive, have a right to sue, dies before the accrual, time shall begin to run as soon as he is represented in interest. So, where a person against whom, if alive, a right to sue would have accrued, dies before the accrual, time will begin running when there is a representative whom the plaintiff may sue.

Section 16—as to the effect of fraud—is equivalent to Act XIV of 1859, section 9.

Section 17—as to the effect of an acknowledgment or promise in writing—settles, by the explanation and illustrations added thereto, several doubts which have arisen on the corresponding section (4) of Act XIV. It declares, in accord with the English case of *Edmonds* v. *Downes*, 2 C. & M. 459, 463, that where the acknowledgment is undated, oral evidence may be given of the time it was signed. But it also declares (herein contravening *Haydon* v. *Williams*, 7 Bing. 163) that when the acknowledgment is destroyed or lost, oral evidence of its contents shall not be received. It declares, in the 'explanation,' that an acknowledgment may be sufficient though it omits to specify the exact amount of the debt, or avers that the time for payment has not come, or sets up limitation as a bar, or is accompanied by a refusal to pay, or is coupled with a claim to a set-off, or, lastly, is addressed to any person other than the creditor.

Doubts have arisen as to how limitation should be applied when, after the institution of a suit, a new plaintiff or defendant is substituted or added. Section 18 contains rules on this subject, which accord with the decisions in 6 W. R. 298 and 10 W. R. 317.

Section 19 states the rules of English law as to the computation of time, (1) where there are successive breaches of contract, and (2) where a breach of contract or nuisance is continuing.

Section 20 embodies the English law as to suits for compensation for a lawful act which from subsequently causing damage, becomes unlawful.

When a decree directs payment to be made by instalments at specified dates, section 21 declares (in accordance with two decisions of the Bombay High Court) that, for the purpose of computing the time within which application may be made to enforce each instalment, the date when it becomes due shall be deemed the date of the decree.

Section 22 (also in accordance with a decision of the Bombay High Court) provides that in the absence of evidence to the contrary, an instrument made by a Native shall, for the purposes of the Limitation Act, be deemed to be made with reference to the calendar ordinarily employed by him.

Except in the Bombay Presidency (see Bombay Regulation V of 1827, section 1, clause 1) Indian statute-law contains no distinct enactment on the subject of the acquisition of title by prescription. Part IV of the Bill attempts to supply this want. It begins (section 23) by defining what constitutes adverse possession by a claimant of land or of an hereditary office. It then declares (section 24) how long the possession of a tenant, an agent or a servant shall be deemed the possession of his landlord, principal or master, and it concludes (section 25) by providing, in accordance with the New York Civil Code, section 441, and with 3 & 4 Wm. IV., c. 27, section 34, that adverse uninterrupted possession for the period limited in the case of any suit for the recovery of property confers a title thereto which is sufficient against all.

Part V of the Bill contains some miscellaneous provisions. Section 26 declares that suits against express trustees and their representatives, for the purpose of following trust-property, shall not be barred by any lapse of time. The section has been so framed as to preclude its application to cases of implied or constructive trust. Section 27 states the only case in which the Courts of this country can be required to give effect to a foreign rule of limitations. And section 28 declares that suits on contracts entered into abroad shall, here, be subject to the Indian limitation law, part of the *lex fori*. This is in accordance with *Huber* v. *Steiner*, 2 Scott 304.

To the Bill are appended two Schedules. The first comprises all the enactments relating to limitation and extending to British India which have not hitherto been expressly repealed. Of these, the first mentioned, 21 Jac., c. 16, was held in *The East India Co.* v. *Paul* (7 Moo. P. C. C. 85) to extend to India. Act XIV of 1859 is of course repealed, with the exception of one section (15) whose proper place is in the Code of Civil Procedure.

The second Schedule is divided into twelve parts corresponding with the twelve periods of limitation prescribed for the suits, appeals and applications to which the Act extends. Part IV provides a period of ninety days for all suits for acts done in pursuance of enactments in force in British India. Part VII provides a period of two years for suits for all wrongs independent of contract. Part VIII fixes a period of three years for suits on contracts not in writing registered. Where the contract is in writing and registered, the period will (under Part IX) be six years. So in the case of all suits for which no period of limitation is specially provided. Part XI and the first three clauses of Part XII state the law as laid down in Act XIV, section 1, clause 15, and sections 5 and 6. But as there is now nowhere in British India any special provision limiting public claims by Government, the last clause of Part XII proposes, in accordance with Bengal Regulation II of 1805, section 2, to fix a period of sixty years for suits in the name of the Secretary of State in Council.

It is right, in conclusion, to acknowledge the great assistance derived, in framing this Bill, from Mr. Ninian Thomson's work on Act XIV of 1859.

SIMLA,
The 20th September 1870.

J. F. STEPHEN.

WHITLEY STOKES,
Secy. to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd December 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 28 OF 1870.

A Bill for the registration of Criminal Tribes and Eunuchs.

WHEREAS it is expedient to provide for the registration, surveillance and control of certain criminal tribes and eunuchs; It is hereby enacted as follows:—

Preamble.

Part I.—Preliminary.

1. This Act may be called "The Criminal Tribes' Act, 1870."

Short Title.

This section and section nine extend to the whole of British India: the rest of this Act extends only to the territories respectively under the governments of the Lieutenant-Governors of the North-Western Provinces and the Panjáb and under the administration of the Chief Commissioner of Oudh.

Local extent.

This Act shall come into force on the passing thereof.

Commencement.

Part II.—Criminal Tribes.

2. The Local Government may declare any tribe, gang or class of persons reasonably suspected of being addicted to the commission of theft or robbery, and having a fixed place of residence during the whole or any part of the year, to be a criminal tribe, gang or class, and may direct the Magistrate of any District in which such tribe, gang or class, or any part thereof, resides to make a register of the members of such tribe, gang or class in a form to be prescribed by the Local Government.

Power to declare certain tribes to be criminal.

Register of members of such tribes.

3. Upon receiving such direction, the said Magistrate shall publish a notice in the place where the register is to be made, calling upon all the members of the tribe, gang or class to appear, at a time and place therein specified, before such persons as he appoints, and to give those persons such information as may be necessary to enable them to make the register in the form aforesaid.

Procedure in making register.

Any member of any such tribe, gang or class failing to appear according to such notice, or intentionally omitting to furnish such information, or furnishing, as true, information on the subject which he knows or has reason to believe to be false, shall be deemed guilty of an offence under section one hundred and seventy-four, or one hundred and seventy-six, or one hundred and seventy-seven of the Indian Penal Code, as the case may be.

Penalties for failing to appear, refusing or giving false information.

4. The register, when made, shall be kept by the officer in charge of such Police Station as the said Magistrate from time to time directs.

Charge of register.

5. The officer keeping the register shall from time to time report to the said Magistrate any alterations which ought to be made therein, either by way of addition or omission.

Reporting desirable alterations in register.

6. Any person deeming himself aggrieved by any entry made or proposed to be made in such register may complain to the said Magistrate, and the Magistrate shall retain such person's name on the register, or erase it therefrom, or enter it thereupon as he may see fit.

Complaints of entries in register.

7. When the register has been formed, no alteration shall be made therein except by or by order of the said Magistrate, and he shall write his initials against every such alteration.

By whom alterations are to be made.

8. The Local Government may, with the previous consent of the Governor General in Council, make rules binding upon all persons whose names may, for the time being, be upon such register.

Power to make rules binding on registered persons.

Such rules may prescribe—

1*st*, the limits within which persons whose names are on the register shall reside;

2*nd*, conditions as to holding passes, under which such persons may be permitted to leave the said limits; and

3*rd*, conditions as to answering at roll-call or otherwise, in order to satisfy the said Magistrate, or persons authorized by him, that the persons whose names are on the register are actually present at given times within the said limits.

Any person violating any of the said rules shall, on conviction before a Magistrate, be punished with rigorous imprisonment for a term which may extend to six months, or with fine, or with whipping, or with all or any two of those punishments.

Penalties for breach of such rules.

9. Any person so registered, who is found in any part of India beyond the limits so prescribed for his residence, without such pass as may be required by the said rules, may be arrested without warrant by any Police Officer, and taken before a Magistrate, who may order him to be removed to the District in which he ought to have resided, there to be dealt with according to the rules under this Act in force for the time being.

Arrest of registered person found beyond prescribed limits.

The rules for the time being in force for the transmission of prisoners shall apply to all persons removed under this section.

Part III.—Eunuchs.

10. The Local Government shall cause the following registers to be made and kept up by such officer as from time to time it appoints in this behalf:—

Registers of eunuchs and their property.

(a) A register of the names and residences of all eunuchs residing in any town or place to which the Local Government specially extends this Part of this Act, who are reasonably suspected of kidnapping or castrating children, or of committing offences under the Indian Penal Code, section three hundred and seventy-seven, or of abetting, within the meaning of the same Code, the commission of any of the said offences; and

(*b*) a register of the property of such of the said eunuchs as, under the provisions hereinafter contained, are required to furnish information as to their property.

The Local Government may from time to time make rules for the making and keeping up and charge of such registers, and may, if it think fit, direct the name of any eunuch to be erased therefrom.

Rules for making and keeping up such registers.

11. Any eunuch so registered who appears in female clothes in any public street or place, or who dances or plays music, or takes part in any public exhibition, in any public street or place, or for hire in any private house,

Penalty on registered eunuch appearing in female clothes;

or dancing in public or for hire.

shall, upon conviction before a Magistrate, be punished with imprisonment for a term which may extend to two years, or with fine, or with whipping, or with all or any two of those punishments.

12. Any eunuch so registered who has in his charge, or keeps in his house or under his power or control, any boy who has not completed the age of sixteen years, shall, upon conviction before a Magistrate, be punished with imprisonment for a term which may extend to two years, or with whipping, or with both.

Penalty on registered eunuch keeping boy under 16.

13. No eunuch so registered shall be capable—

Disabilities of registered eunuchs.

(*a*) of being or acting as guardian to any minor;

(*b*) of making a gift;

(*c*) of making a will, or

(*d*) of adopting a son.

14. Any officer authorized by the Local Government in this behalf may, from time to time, require any eunuch so registered to furnish information as to all property, whether moveable or immoveable, of or to which he is possessed or entitled, or which is held in trust for him.

Power to require information as to registered eunuchs' property.

Any such eunuch intentionally omitting to furnish such information, or furnishing, as true, information on the subject which he knows or has reason to believe to be false, shall be deemed to have committed an offence under section one hundred and seventy-six or one hundred and seventy-seven of the Indian Penal Code, as the case may be.

Penalty for refusing such information.

Part IV.—Miscellaneous.

15. All sentences of whipping under this Act shall be executed in manner, and subject to the precautions, prescribed in sections ten and eleven of Act No. VI of 1864.

Execution of sentences of whipping.

16. No suit or other proceeding shall be maintained against any person in respect of anything done by him in good faith pursuant to this Act.

Bar of suits for acts done *bonâ fide*.

17. All Magistrates and other persons are hereby indemnified for anything done under the circular order 18 of 1856 of the Judicial Commissioner of the Panjáb, and no suit or other proceeding shall be maintained against any such Magistrate or other person in respect of anything so done.

Indemnity for acting under circular order 18 of 1856 of Judicial Commissioner of the Panjáb.

STATEMENT OF OBJECTS AND REASONS.

Various tribes in the North-Western Provinces, the Panjáb and Oudh carry on theft and robbery systematically. They live quietly for part of the year in their own Districts, but they spend the rest of it in wandering about the country plundering, and on their return divide their gains according to a fixed rule. In the North-Western

Provinces alone, there are twenty-nine tribes who support themselves in the manner above described.

The first object of the present Bill is to provide for the formation of a register of the members of the tribes in question. They will be compelled, by Rules which the Local Government is empowered to make, to reside within certain fixed limits, forbidden to leave those limits without permission, and if found beyond them, apprehended by the Police and sent to the place where they ought to live. Like rules were till lately enforced, with excellent results, in the Panjáb; but the Chief Court has recently decided that these rules were unauthorized by law.

The second object of the Bill is to crush an association of eunuchs in the North-Western Provinces, who carry on a system of unnatural prostitution, and perpetuate their class by kidnapping and castrating boys.

The Bill provides for the registration of the names, residences and property of all eunuchs reasonably suspected of committing these offences; imposes penalties on any registered eunuch who appears in public in female clothes, who dances in public or for hire, or who keeps in his control any boy under the age of sixteen. It also deprives such eunuchs of the power of becoming guardians to minors, of making gifts and wills, and of adopting sons.

J. F. STEPHEN.

The 23rd November 1870.

WHITLEY STOKES,
Secy. to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd December 1870:—

No. 29 OF 1870.

A Bill to repeal the law relating to the General Funds of the Courts of Small Causes at the Presidency Towns.

WHEREAS by Act No. IX of 1850 *(for the more easy Recovery of small Debts and Demands in Calcutta, Madras and Bombay)*, section nineteen, it was (amongst other things) enacted that the fees therein mentioned should be paid over to an account to be termed the General Fund of the Court; and whereas no such payment has ever been made and no such account has ever been opened; and whereas it is expedient that the said enactment should be expressly repealed so far as relates to such payment and account; It is hereby enacted as follows:— Preamble.

1. The following words of the said section are hereby repealed (that is to say): "which fees shall be paid over to an account to be termed the General Fund of the Court." Partial repeal of Act IX of 1850, section 19.

2. All officers and other persons are hereby indemnified for omitting to make such payment or to open or keep such account; and no suit or other proceeding shall be maintained against any such officer or other person in respect of any such omission. Indemnity-clause.

STATEMENT OF OBJECTS AND REASONS.

Act IX of 1850, section 19, provides that the fees received by each of the Courts of Small Causes at the Presidency Towns shall be paid over to a Fund termed the General Fund of the Court. This provision has remained a dead letter: the charges of the Courts have hitherto been defrayed by the State; and the fees in question have always been credited to the State as "Judicial Receipts" or "Law and Justice." It is clearly desirable to render this practice legal and to continue to treat the receipts and charges of the Presidency Courts of Small Causes in the same manner as the receipts and charges of the other Courts in British India. The Bill accordingly repeals the provision above referred to and indemnifies all officers for omitting to obey it.

R. TEMPLE.

The 19th November 1870.

WHITLEY STOKES,
Secy. to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd December 1870:—

No. 30 OF 1870.

A Bill to extend the Prisons' Act, 1870, to Coorg.

FOR the purpose of extending the Prisons' Act, 1870, to Coorg: It is hereby enacted as follows:— Preamble.

1. The said Act shall extend to the territories under the administration of the Chief Commissioner of Coorg, but subject to the following modifications (that is to say):— Extension to Coorg of Act XXVI of 1870.

(*a.*) The preamble and sections one and six shall be construed as if, after the words 'Central Provinces,' the word 'Coorg' were inserted.

(*b.*) Section one shall be construed as if, for the words and figures 'December, 1870,' the words and figures 'January, 1871' were substituted.

STATEMENT OF OBJECTS AND REASONS.

No Jail Code having been laid down for guidance in Coorg, the present Bill, which has been framed at the suggestion of the Chief Commissioner, extends to that Province the recently passed Prisons' Act, No. XXVI of 1870.

F. S. CHAPMAN.

The 18th November 1870.

WHITLEY STOKES,
Secy. to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd December 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 32 OF 1870.

A Bill to authorize the extension of the Chaukídárí Act to places where there is no Jamadár of Police.

WHEREAS by Act No. XX of 1856 *(to make better provision for the appointment and maintenance of Police chowkeydars in Cities, Towns, Stations, Suburbs and Bazaars in the Presidency of Fort William in Bengal)*, section two, the Local Government is restrained from extending that Act to any City, Town, Suburb, or Bazaar unless there be therein (or in some other City, Town, Suburb, or Bazaar with which the same may be united as thereinafter provided) a Police station under an officer of a grade not below that of a jamadár; And whereas it is expedient to remove such restriction; It is hereby enacted as follows: Preamble.

1. In Act No. XX of 1856, section two, the following words are repealed (that is to say) "to any City, Town, Suburb, or Bazaar, unless there be therein (or in some other City, Town, Suburb, or Bazaar with which the same may be united as hereinafter provided) a Police station under an officer of a grade not below that of jemadar, nor" Repeal of part of section 2, Act No. XX of 1856.

STATEMENT OF OBJECTS AND REASONS.

The Local Governments are expressly forbidden to extend the Chaukídárí Act (XX of 1856) to any town in which there is not a Police station under an officer of a grade not below that of a jamadár. The recent reductions of the police have greatly diminished the number of stations at which there are jamadárs; and it is often desirable to extend the Act to towns where there are no Government constables, or where, at least, there is no jamadár.

The present Bill therefore proposes to repeal so much of section 2 of the Act as requires that police of a fixed strength must exist in the town before the provisions of the law can be extended thereto. The Bill has been prepared at the suggestion of the Government of the North-Western Provinces, and with the approval of the Governments of Bengal and the Panjáb.

F. S. CHAPMAN.

The 17th November 1870.

WHITLEY STOKES,
Secy. to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th December 1870, and was referred to a Select Committee with instructions to make their report thereon in three months:—

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A BILL FOR REGULATING THE PROCEDURE OF THE COURTS OF CRIMINAL JUDICATURE NOT ESTABLISHED BY ROYAL CHARTER.

Preamble.

WHEREAS it is expedient to consolidate and amend the law regulating the Procedure of the Courts of Criminal Judicature not established by Royal Charter; It is hereby enacted as follows:—

PRELIMINARY.

Short title.

1. This Act may be called "The Code of Criminal Procedure."

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force on the first day of *March*, 1871.

Repeal of enactments.

2. The enactments mentioned in the first schedule hereto annexed are repealed.

References to any of the said enactments made in any Act passed subsequently thereto shall be read as if made to the corresponding section of this Act.

Notifications published and orders made under any section of any Act hereby repealed shall be deemed to have been published and made under the corresponding section of this Act.

Definitions.

Interpretation-clause.

3. The following words and expressions in this Act have the meanings hereby assigned to *them*, unless there be something repugnant in the subject or context:—

"Special law."

4. The words "special law" denote a law applicable to a particular subject.

"Local law."

5. The words "local law" denote a law applicable only to a particular part of British India.

"Enquired into." "Determined."

6. The words "enquired into" comprise every proceeding preliminary to trial; and the word "determined" comprises trial and every subsequent proceeding, including the punishment of the offender.

"Written."

7. The word "written" includes "printed," "lithographed," and "engraved."

"Criminal Court."

8. The words "Criminal Court" denote every Judge or Magistrate lawfully exercising jurisdiction in criminal cases, whether for the decision of such cases in the first instance, or on appeal, or for commitment to any other Court or officer.

"Court of Justice."

9. The words "Court of Justice" denote a Judge, as defined in the Indian Penal Code, who is empowered by law to act judicially alone, or a body of Judges empowered by law to act judicially as a body, when such Judge or body of Judges is acting judicially.

"Court of Session."

10. The words "Court of Session," subject to the limitations in section 18, include the Courts of the Assistant Sessions Judges in the Presidency of Bombay.

"Magistrate of the District."

11. The words "Magistrate of the District" mean the Chief Officer charged with the executive administration of a District in criminal matters by whatever designation such officer is called.

"Magistrate."

12. The word "Magistrate" includes all persons exercising all or any of the powers of a Magistrate.

"The powers of a Magistrate."

13. The words "the powers of a Magistrate" mean the full powers of a Magistrate.

"Any of the powers of a Magistrate."

The words "any of the powers of a Magistrate" denote powers less than the full powers of a Magistrate.

"District."

14. The local jurisdiction of the Magistrate of a District shall, for the purposes of this Act, be deemed a "District;" and the local jurisdiction in a particular part of a District, vested in a Magistrate other than the Magistrate of the District, shall be deemed a "division of a District."

"Division of a District."

"Local limits of a High Court."

15. The words "local limits of a High Court" mean local limits of the ordinary original criminal jurisdiction of a High Court.

Division of Act.

16. This Act is divided into eleven Parts relating to the following subject-matters:—

The first Part—to jurisdiction.

The second Part—to proceedings to compel appearance.

The third Part—to inquiry and trial.

The fourth Part—to appeal, reference and revision.

The fifth Part—to execution.

The sixth Part—to evidence.

The seventh Part—to procedure incidental to inquiry and trial.

The eighth Part—to exceptional incidents.

The ninth Part—to pleading.

The tenth Part—to the preventive jurisdiction of Magistrates.

The eleventh Part—to miscellaneous provisions.

PART I.

JURISDICTION.

CHAPTER I.—*Ordinary Jurisdiction of the Courts.*

Offences cognizable by Criminal Courts.

17. The Criminal Courts of the several grades, according to the powers vested in them respectively by this Act, shall have jurisdiction in respect of offences punishable under the Indian Penal Code, or under any special or local law for the time being in force (except offences which are by any such law made punishable by some other authority therein specially mentioned), and shall be guided by the provisions of this Act in the inquiry into and determination of the offences hereby declared to be within their jurisdiction.

Justices of the Peace not being Magistrates shall also be guided by the provisions of this Act.

Sessions Courts offences in second schedule are triable.

a District the offences mentioned in the second schedule hereto annexed shall, subject to the provision contained in the third explanatory note prefixed to the said schedule, be triable by the Courts specified in column seven of the said schedule.

Powers of Court of Session.

19. The Court of Session may pass the following sentences:—

Death (subject to confirmation by the High Court);

transportation;

imprisonment of either description for a period not exceeding fourteen years, including such solitary confinement as is authorized by law;

or fine to an unlimited amount;

or both transportation and fine;

or imprisonment and fine, in cases in which both punishments are authorized by the Indian Penal Code.

In cases in which, according to the Indian Penal Code, forfeiture of property may be adjudged, the Court of Session may adjudge such forfeiture in addition to the sentence.

Powers of Assistant Sessions Judges in Bombay.

20. In the Presidency of Bombay a Sessions Judge may delegate cases for trial by an Assistant Sessions Judge: and the Assistant Sessions Judge may, in such cases, pass sentences within the following limits:—

Imprisonment for a term not exceeding seven years (including such solitary confinement as is authorized by law), or fine, or both.

If the sentence be one of imprisonment for a term exceeding three years, it shall be passed subject to confirmation by the Sessions Judge.

The Sessions Judge may review and hear appeals against the proceedings of his Assistants, and may confirm and amend (but not so as to enhance or reduce), or may reverse their sentences or orders.

An Assistant Sessions Judge shall not review or hear an appeal against the proceedings of a Magistrate.

Power to appoint, in Bombay Presidency, Joint Sessions Judges.

21. In the Presidency of Bombay, the Local Government may, with the previous consent of the Governor General in Council, appoint in any District a Joint Sessions Judge, who shall be invested with co-extensive powers and a concurrent jurisdiction with the Court of Session, except that he shall not receive original complaints, but shall transact such criminal business only as he receives from the Sessions Judge of the District.

The Rules and Regulations for the time being in force for the guidance of the Sessions Judge shall apply to the Joint Sessions Judge, and the seal of the Joint Sessions Judge shall be the same as is used by the Sessions Judge of the District.

Powers of Magistrate of the District.

22. The Magistrate of the District or other officer authorized to exercise the powers of a Magistrate may pass the following sentences:—

Imprisonment not exceeding the term of two years, including such solitary confinement as is authorized by law;

or fine to the extent of one thousand rupees;

or both imprisonment and fine in all cases in which both punishments are authorized by the Indian Penal Code.

Subordinate Magistrates or officers authorized to exercise any of the powers of a Magistrate may pass the following sentences:—

Power of Subordinate Magistrates, First Class.

First Class. Imprisonment not exceeding six months;

or fine not exceeding two hundred rupees;

or both imprisonment and fine in all cases in which both punishments are authorized by the Indian Penal Code.

Second Class.

Second Class. Imprisonment not exceeding one month;

or fine not exceeding fifty rupees;

or both imprisonment and fine in all cases in which both punishments are authorized by the Indian Penal Code.

No sentence of solitary confinement, under section 73 of the Indian Penal Code, shall be passed by any Court inferior to an officer exercising the powers of a Magistrate.

Subordination of all Magistrates to Magistrate of District.

23. Except as otherwise provided in this Act or by any other law for the time being in force, all Magistrates and Subordinate Magistrates shall be subordinate to the Magistrate of the District in which they exercise jurisdiction.

Magistrate may withdraw or refer cases.

24. The Magistrate of the District, or a Magistrate in charge of a division of a District, may respectively withdraw any criminal case from any Court subordinate to him, and may enquire into or try the case himself, or refer it for enquiry or trial to any other such Court competent to enquire into or try the same.

Power for Bengal Magistrate in charge of Division of District to try certain charges unreferred.

25. In the Lower Provinces and in the North-Western Provinces of the Presidency of Fort William in Bengal, any Magistrate in charge of a Division of a District may receive and try (without reference by the Magistrate of the District) all or any of such charges as he is now competent to try upon reference by the Magistrate of the District.

CHAPTER II.—*Special Jurisdiction conferred by Government.*

Jurisdiction of Chief Officer in Non-Regulation territory over offences not punishable with death.

26. In any part of the territories not subject to the general Regulations of Bengal, Madras or Bombay, the Governor General in Council or the Local Government of such territory may invest the chief officer charged with the executive administration of a district in criminal matters, by whatever designation such officer is called, with power to try all offences not punishable with death, and under the provisions of this Act to pass sentence of imprisonment for a term not exceeding seven years, including such solitary confinement as is authorized by law, or fine or both.

His procedure in cases triable by the Court of Session.

27. Such chief officer shall try as a Court of Session offences which, under the second schedule hereto annexed, are triable by a Court of Session only, and in such trials shall be guided by

the provisions hereinafter contained relating to trials before Courts of Session.

28. The Local Government may invest any person with the powers of a Magistrate or of a Subordinate Magistrate of the first or second class, as described in section 22, with a view to the exercise by such person, within such local limits as the Local Government shall from time to time prescribe, of such powers under this Act or under any special or local law.

Power to invest with powers of Magistrate or Subordinate Magistrate.

29. With the sanction of the Governor General in Council, the Local Government may delegate, with such limitations as it thinks proper, to any officer under its control, the power conferred upon it by section 28.

Local Government may delegate its power of appointing Magistrates.

30. The Local Government may, by notification in the official Gazette prescribe the local jurisdiction of a Magistrate of the District as defined by section 11, and may by such notification from time to time alter such jurisdiction.

Power to determine local jurisdiction of a Magistrate of District.

31. The Local Government may invest any Magistrate with the local jurisdiction in a particular part of a District declared by section 14 to be deemed a Division of a District, and may from time to time alter the limits of such local jurisdiction.

Power to invest Magistrates with local jurisdiction.

32. The Local Government may, with such limitations as it thinks proper, invest any Magistrate in charge of a Division of a District or any officer exercising the full powers of a Magistrate, with the authority conferred on the Magistrate of the District by sections 24, 94, 368, 458, 466 and 471.

Power to invest certain officers with powers of Magistrate of District.

33. The Local Government may empower any Subordinate Magistrate of the first or second class not invested with such power by any law for the time being in force, to hold the preliminary enquiry into cases triable by the Court of Session, or by any High Court, and may empower him to commit, or hold to bail, persons to take their trial before such Court of Session or High Court, and to exercise all the powers necessary for such purpose.

Subordinate Magistrate may be empowered to hold preliminary enquiry and to commit to Court of Session or High Court.

34. The Local Government may, by notification in the official Gazette, define what Magistrates or Subordinate Magistrates shall entertain cases either on complaint preferred directly to themselves or on the report of a Police officer; and such Magistrates or Subordinate Magistrates shall be competent to entertain such cases, if the offence charged is triable by them or if they shall have been empowered under section 33.

Local Government to define what Magistrates and Subordinate Magistrates shall be empowered to entertain complaints preferred directly to themselves or on report of Police.

35. The Magistrate of the District may, subject to the orders of the Local Government, empower any Magistrate or Subordinate Magistrate in his District to entertain cases either on complaint preferred directly themselves or on the report of a Police officer.

Magistrate of District may invest any Magistrate or Subordinate Magistrate with powers described in section 33.

36. The Local Government may vary or cancel any powers with which any person may have been invested under this Act or any enactment hereby repealed.

Powers may be varied or cancelled.

37. When, in consequence of the office of the Magistrate of a District becoming vacant, any officer succeeds temporarily to the chief executive administration of the District in criminal matters, such officer shall, pending the orders of the Local Government, exercise all the powers and perform all the duties of the Magistrate of the District.

Succession to vacancies in the office of the Magistrate of a District.

38. Whenever any person holding an office in the service of Government, who has been invested with any powers under this Act or any enactment hereby repealed in any District, is transferred to an equal or higher office of the same nature within another District, he shall, unless the Local Government otherwise directs, continue to exercise the same powers in the District to which he is so transferred.

Continuance of powers of officers transferred.

39. When two or more persons authorized to exercise all or any of the powers of a Magistrate sit together for the despatch of business in any place, any summons, warrant or process or other proceeding, and any order, judgment, finding or sentence, signed by any two or more of them, shall be as valid to all intents and purposes as if it were solely signed, when the powers of one or more of them are higher than the powers of the others or other of them, by such one of them as has, or by one of such of them as have, been invested under section 28 with the highest of such powers, or, when their powers are equal, by any one of them.

Validity given to process, &c., signed by Magistrates in Petty Sessions.

40. All sentences heretofore passed by any Magistrates sitting together as aforesaid, shall be deemed to be as valid as if this Act had then been passed.

Sentences heretofore passed by Magistrates in Petty Sessions to be valid.

CHAPTER III.—*Jurisdiction as to Persons.*

41. The Criminal Courts shall have jurisdiction over all persons, except such persons as, by any Act of Parliament, or by any Regulation of the Codes of Bengal, Madras and Bombay, respectively, or by this Act or any other Act of the Governor General of India in Council, are, or shall be, exempted from their jurisdiction.

Criminal Courts to have jurisdiction over all persons, except those exempted by law.

42. No person shall, by reason of place of birth, or by reason of descent, be exempt from the rules of criminal procedure contained in this Act:

No exemption from Act by reason of birth or descent.

Provided that nothing in this section shall be held to authorize the trial or commitment for trial before any Criminal Court of any person who, in respect of the offence with which he is charged, is not subject to the jurisdiction of that Court.

Proviso.

a District Magistrate of the District, or any other officer exercising the powers of a Magistrate, may hold the preliminary enquiry into any case triable by a High Court and may commit or hold to bail persons to take their trial before such Court, and may exercise all the powers necessary for such purpose.

Cases by Government for trial before High Court.

44. Any Justice of the Peace may, and no other person shall, commit, or hold to bail, any European British subject to take his trial before a High Court.

Only Justices of the Peace to commit European British subjects.

45. When a European British subject is charged with an offence triable by a High Court, any Magistrate, or any subordinate Magistrate if he is empowered under section 33, but not otherwise, may hear the complaint against such person, and may issue a warrant of arrest, or hold to bail such person, with a view to the complaint being investigated by a Justice of the Peace.

Procedure when European British subject charged with offence triable by High Court.

46. When a European British subject has been arrested under a warrant issued under section 45 by a Magistrate not being a Justice of the Peace, if such Magistrate considers that there is sufficient ground for proceeding, he shall forthwith forward the person arrested to a Justice of the Peace, or, if the offence with which such person is charged is bailable and if sufficient bail be tendered, shall admit him to bail for his appearance before a Justice of the Peace.

Procedure when European arrested under warrant of Magistrate not a Justice of the Peace.

When the person accused is brought or appears before a Justice of the Peace under this section, such Justice of the Peace shall himself hold the preliminary enquiry into the case, before he commits, or holds to bail, such person for trial before the High Court.

47. Every person exercising the full powers of a Magistrate, and being also a Justice of the Peace, shall have power to enquire into and determine in a summary way complaints of offences committed by a European British subject outside the local limits of the ordinary original criminal jurisdiction of the High Courts, and on which a summons ordinarily issues in the first instance, and, in case of conviction, to inflict on the offender a fine not exceeding five hundred rupees, and, in default of payment, imprisonment for a term not exceeding two months, in some place of confinement within the District, which, in the opinion of the Magistrate, is fit for receiving such offender, or, if there be no such place, then in the Presidency gaol.

Summary jurisdiction over European British subjects.

48. All European and other subjects of Her Majesty,

Amenability of certain persons for offences in Native States.

and all persons who within a year before or after the commission of the offence with which they are charged have dwelt for six months within British India,

who are apprehended within British India or delivered into the custody of a Magistrate within British India wherever apprehended,

shall be amenable to the law for all offences committed by them within the territory of any Foreign Prince or State included within or adjacent to any part of British India, and may be bailed or committed for trial as hereinafter provided, on the like evidence as would warrant their being held to bail or committed for the same offence if it had been committed within British India.

49. The committing Magistrate, immediately before the trial, shall report every such case to the Local Government, and shall obey the orders which he receives thereon.

Report of case to Government.

50. The Local Government may order the trial to be had before one of the established Courts of Criminal Judicature, which would be competent to try the person charged for the offence, if it had been committed within British India.

Power to order trial before Court.

51. When the offence is charged to have been committed in the territory of any Foreign Prince or State, administered by officers acting under the authority of Her Majesty, in which territory a Court competent to try the person charged for the offence is established by authority of the Governor General of India in Council, the Local Government may order such person to be conveyed in custody, out of British India, for the purpose of delivering him up for trial before such Court.

Power to send offender for trial out of British India.

52. When the person charged is committed, the form of the warrant shall specify the commitment to be until the orders of the Local Government can be received and acted on;

Form of warrant and bail-bond.

when he is bailed, the form of the bail-bond shall be, in the first instance, to appear before the Magistrate on a certain day assigned, allowing reasonable time for receipt of the orders of the Local Government, and on such subsequent days as the Magistrate from time to time requires;

and if the Local Government shall order the person charged to be tried within the Presidency, the Magistrate may cause the bail-bond to be renewed in the usual form, to appear and take his trial at the Court appointed for the purpose.

53. In either case, the special order of the Local Government shall be deemed full authority, either for the trial and punishment of the person charged within British India, or for conveying him in custody out of British India as aforesaid.

Order of Government sufficient authority.

54. The authority given to the Local Government by sections 48 to 53 (inclusive) may be also exercised by any Commissioner or other person acting in the Civil Service of Her Majesty, to whom the Governor General in Council delegates authority to receive reports and give orders in cases within section 48.

Delegation of power given to Local Government.

CHAPTER IV.—*Where Offences shall be tried.*

55. Except where otherwise expressly provided by this Act, every offence shall be enquired into and determined in the District in which the offence was committed:

Trial to be ordinarily in district where offence committed.

Proviso as to European British subjects.

Provided that nothing in this section shall exempt European British subjects from being tried and convicted before the High Courts for offences committed beyond the local limits of such Courts.

Accused triable in district where act done, or where consequence ensues.

56. When a person is accused of the commission of any offence by reason of anything which has been done, and of any consequence which has ensued, such offence may be enquired into or determined in any District in which any such thing has been done or any such consequence has ensued.

Trial of abetment.

57. The abetment of an offence, wherever such abetment has taken place, may be enquired into or determined in any District in which the offence abetted may be enquired into or determined by any Court having jurisdiction to try such offence, as if the abetment had been committed at the same place at which the offence abetted was wholly or partly committed;

or the abetment may be enquired into or determined in any District within which the abettor has done anything for abetting the commission of such offence.

Offence committed on boundary of district.

58. When any offence is committed on the boundary or boundaries of two or more Districts, whether subject to the same Local Government or not,

Offence begun in one district and completed in another.

or is begun in one District and completed in another, whether such Districts be subject to the same Local Government or not,

such offence may be enquired into or determined in any of such Districts, in the same manner as if it had been actually and wholly committed therein.

Offence committed during journey or voyage.

59. When any offence is committed on any person, or on, or in respect of, any property in or upon any coach, cart, or other carriage or conveyance, or upon any beast of burden employed in any journey,

or is committed on any person, or on, or in respect of, any property on board any vessel employed on any voyage or journey upon any navigable river, canal, or inland navigation,

such offence may be enquired into or determined in any District through any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel, has passed in the course of the journey or voyage during which such offence has been committed, in the same manner as if the offence had been actually and wholly committed in such District;

and in all cases where the side, middle or other part of any highway, or the side, bank, middle or other part of any such river, canal, or navigation, constitutes the boundary of any two Districts, such offence may be enquired into or determined in either of such Districts, through or adjoining to, or by the boundary of, any part whereof such coach, cart, carriage, conveyance, beast of burden or vessel, has passed in the course of the journey or voyage during which such offence has been committed, in the same manner as if it had actually and wholly been committed in such District.

Receiving, &c., stolen property.

60. If any person is charged with [illegible] punishable under [illegible] 411, 412 or 414 of the Indian Penal Code, under the head "Of the receiving of stolen property," such offence may be enquired into or determined in any District in which such person has, or has had, such stolen property in his possession, or in any District in which the offence by which such property came to be stolen property within the meaning of the said Code, may be enquired into or determined.

Concealment, &c., of kidnapped person.

61. If any person be charged under section 368 of the Indian Penal Code, with the offence of wrongfully concealing or keeping in confinement a person who has been kidnapped or abducted, such offence may be enquired into or determined in any District in which the concealment or confinement has taken place, or in any District in which the kidnapping or abduction may be enquired into or determined.

Thuggee, dacoity.

62. Whenever any person is charged with being a thug,

or with murder as a thug,

or with dacoity with or without murder,

or with having belonged to a gang of dacoits,

or with having belonged to any wandering or other gang of thieves associated for the purpose of habitually committing theft or robbery and not being a gang of thugs or dacoits,

the offence may be enquired into in any District in which the accused person happens to be when charged or arrested, by any Magistrate competent to commit to a Court of Session,

and the accused person may be committed to the Court of Session to which such Magistrate is subordinate.

Escape from lawful custody under sentence.

63. If any person escapes from any custody in which he is lawfully detained in pursuance of a sentence of a Court of Justice, or by virtue of a commutation of such sentence,

or is charged with any offence punishable under section 227 of the Indian Penal Code, or under section 12 of Act No. XXIV of 1855 *(relating to Penal Servitude)*,

the offence may be enquired into or determined, either in the District in which such person is apprehended and re-taken, or in the District in which he was formerly tried, or, in the case of an escape from custody, in the District in which he has escaped from custody.

High Court to decide, in case of doubt, District where an enquiry shall take place.

64. Whenever any doubt arises as to the District in which any offence should be enquired into or determined, the High Court within whose jurisdiction the offender is apprehended may decide in which District the offence shall be determined.

High Court may transfer case or direct trial in district other than that in which offence committed.

65. The High Court may order the transfer of any particular criminal case or appeal from a Criminal Court subordinate to its authority, to any other such Criminal Court of equal or superior jurisdiction,

or may order that any offence shall be enquired into or determined in any District or division of a District, other than that in which the offence has been committed,

whenever it appears to such High Court that such order will promote the ends of justice, or tend to the general convenience of the parties or witnesses.

PART II.

PROCEEDINGS TO COMPEL APPEARANCE.

CHAPTER I.—*Preliminary Enquiry by Police.*

Magistrate may direct enquiry.

66. Any Magistrate may, upon the report of a Police officer or otherwise, direct enquiry to be made by a Police officer into any offence punishable under the Indian Penal Code or under any special or local law.

Police to make enquiry into certain offences only when ordered by Magistrate.

67. Any Police officer may, without an order from a Magistrate, enquire into and take cognizance of the offences described in column three of the second schedule annexed to this Act as offences for which a Police officer may arrest without warrant, but he shall not, without such order, enquire into or take cognizance of any other offences except as hereinafter provided.

Saving of powers vested in Police by special or local law.

68. Nothing in section 67 shall be held to interfere with the exercise of any powers vested in a Police officer by any special or local law, or with the performance of any duty which is imposed upon a Police officer by any such special or local law.

All persons to give information of certain offences.

69. Every person aware of the commission of any offence made punishable under sections 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459 or 460 of the Indian Penal Code, shall give information of the same to the nearest Police officer, whenever such person has reason to believe that, if such information be withheld, the offender may not be brought to justice, or may have his escape facilitated.

Complaint to Police to be in writing.

70. Every complaint or information preferred to an officer in charge of a Police station shall be reduced into writing, and the substance thereof shall be entered in a diary to be kept by him in the form prescribed by the Local Government.

Upon complaint preferred, Police officer in charge to proceed in person or depute officer to make enquiry.

71. Upon complaint or information being preferred to an officer in charge of a Police station of the commission, within the limits of such station, of any of the offences specified in column three of the second schedule hereto annexed as offences for which Police officers may arrest without warrant, he shall send immediate intimation to the Magistrate of the District or the Magistrate in charge of a division of the District, and shall proceed in person or shall depute one of his subordinate officers to proceed to the spot to enquire into the facts and circumstances of the case, and to take such measures as may be necessary for the discovery and apprehension of the offender.

Preliminary enquiry.

Any Magistrate, on receiving intimation of the commission of any such offence, may at once proceed, or depute an officer exercising any of the powers of a Magistrate to proceed, to hold a preliminary enquiry into or otherwise to dispose of such case in the manner provided in this Act.

Where local enquiry dispensed with.

72. Provided that, when any complaint is made against any person by name and the case is not of a serious nature, the officer in charge of a Police-station need not proceed in person or depute a subordinate officer to make an enquiry on the spot, unless such local enquiry appears to be necessary.

Where Police officer in charge sees no sufficient ground for enquiry.

73. Provided also that, if it appear to the officer in charge of a Police-station that there is no sufficient ground for entering on an enquiry, or that the immediate apprehension of the accused is not necessary for the ends of justice, he shall not proceed in the case, but shall report the substance of the complaint or information for the orders of the Magistrate having jurisdiction.

Police officer's power to summon witnesses.

74. An officer in charge of a Police-station may, by an order in writing, require the attendance before himself of any person being within the limits of his station, who, from the statement of the complainant or otherwise, appears to be acquainted with the facts and circumstances of any case into which he is enquiring under section 71, and such person shall obey such requisition.

Oral examination of witnesses by Police.

75. An officer in charge of a Police-station or other Police officer making an enquiry may examine orally any person supposed to be acquainted with the facts and circumstances of the case, and may reduce into writing any statement made by the person so examined.

Proviso.

No statement so reduced into writing shall be signed by the person making it, nor shall it be treated as part of the record nor used as evidence.

No inducement to be offered to confess.

76. No Police officer or other person shall offer any inducement to an accused person by threat or promise or otherwise to make any disclosure or confession.

Police not to record statement or confession.

77. No Police officer shall record any statement or any admission or confession of guilt, which may be made before him by a person accused of any offence:

Proviso.

Provided that nothing in this section shall preclude a Police officer from reducing any such statement or admission or confession into writing for his own information or guidance.

Confession to Police not to be used as evidence.

78. No confession or admission of guilt made to a Police officer, shall be used as evidence against a person accused of any offence.

Confession made while accused is in custody not to be used as evidence.

79. No confession or admission of guilt made by any person whilst he is in the custody of a Police officer, shall be used as evidence against such

person, unless it be made in the immediate presence of a Magistrate.

So much of statement made by accused as relates to fact thereby discovered may be received.

80. Provided that, when any fact is deposed to in evidence as discovered in consequence of information received from a person accused of any offence, or in the custody of a Police officer, so much of such information, whether it amounts to a confession or admission of guilt or not, as relates distinctly to the fact thereby discovered may be received in evidence.

Enquiry by Police.

81. If the person arrested appears from the information obtained to have committed the offence charged, and the offence is not bailable, the officer in charge of the Police-station shall forward him under custody to the Magistrate having jurisdiction in respect of the offence, and shall bind over the prosecutor and witnesses to appear on a fixed day before such Magistrate.

When any subordinate Police officer has made any enquiry under this chapter, he shall, if so required by the officer in charge of the Police-station, submit a report of such enquiry to him, or he may do so without such requisition, and the officer in charge of the Police-station shall then proceed as if he had made the enquiry himself.

Accused not to be detained by Police more than twenty-four hours without special authority.

82. No Police officer shall, without the special order of a Magistrate, detain an accused person in custody for a longer period than, under all the circumstances of the case, is reasonable; and such period shall in no case exceed twenty-four hours.

If the enquiry has not been completed within twenty-four hours, and if there are grounds for believing that the accusation is well founded, the officer in charge of the Police-station shall forward the accused person to the Magistrate, with a short despatch stating the offence for which he has been arrested.

Procedure of Police in case of deficient evidence.

83. If it appears to the officer in charge of the Police-station that there is not sufficient evidence or reasonable ground of suspicion to justify the transmission of the accused person to the Magistrate, such officer shall release the accused person on bail, or on his own recognizance, to appear when required, and shall submit a report of the case for the orders of the Magistrate.

Daily record of proceedings.

84. A Police officer making an enquiry under this chapter, shall day by day enter his proceedings in a diary, setting forth the time at which the complaint or other information reached him, the time at which he began and closed his enquiry, the place or places visited by him, and a statement of the circumstances elicited by his enquiry.

He shall forward day by day a copy of such diary to the District Superintendent of Police, who shall without delay bring to the notice of the Magistrate of the District any part of such diary which he considers it to be important that such Magistrate shall know.

The Magistrate of the District may call for and inspect such diary.

In cases where there is no District Superintendent of Police, the Police officer shall forward day by day a copy of the diary to the Magistrate of the District.

Such diary shall not be evidence of the facts stated therein, except against the Police officer who made it.

Report of Police officer.

85. The enquiry shall be completed without unnecessary delay, and, as soon as it is completed, the Police officer making the same shall forward to the Magistrate a report in the form prescribed by the Local Government, setting forth the names of the parties, the nature of the complaint, and the names of the witnesses, without any expression of opinion as to the guilt of the accused person, and shall also send to the Magistrate any weapon or article which it may be necessary to produce before him.

The Police officer shall state whether the accused person has been forwarded in custody, or has been released on bail or on his own recognizance.

If the accused person be detained in custody, the Police officer shall state the fact and the cause of his detention.

Admission to bail.

86. A person accused of any offence entered as not bailable in column five of the second schedule hereto annexed, shall not be admitted to bail, if there appear reasonable ground for believing that he has been guilty of the offence imputed to him.

But a person accused of any offence entered as bailable shall be admitted to bail, if sufficient bail be tendered for appearance before the Magistrate having jurisdiction in respect of the offence.

Bail not to be excessive.

Terms of security.

87. The bail to be taken under section 86 shall not be excessive; and the surety or sureties shall bind himself or themselves under a specific penalty to produce the accused person before the Magistrate on or before a fixed day, to answer the complaint.

Prosecutors and witnesses to execute recognizances to appear.

88. Every prosecutor and witness whose attendance before the Magistrate is deemed necessary by the Police officer making the enquiry, shall execute a recognizance in the Form (E) given in the appendix hereto, or to the like effect, for appearance before the Magistrate having jurisdiction in respect of the offence on a fixed day.

Such day shall be the day whereon the accused person is to appear, if he has been admitted to bail, or the day on which he may be expected to arrive at the Court of the Magistrate, if he is to be forwarded in custody.

The officer in whose presence the recognizance is executed shall, after delivering to the prosecutor or one of the witnesses a duplicate thereof, send it with his report to the Magistrate.

No Police officer shall accompany the prosecutor or witnesses on his or their way to the Court of the Magistrate.

Prosecutors and witnesses not to be subjected to restraint.

89. A Police officer shall not subject any prosecutor or witness to restraint or unnecessary inconvenience, nor require him to give any other security for his appearance than his own recognizance,

But if any prosecutor or witness refuses to attend, or to execute the recognizance directed in section 88, the officer in charge of a Police-station may forward him under custody to the Magistrate, who may detain him in custody until he executes such recognizance, or until the hearing before the Magistrate.

Recusant prosecutor or witness may be forwarded in custody.

Police to report apprehensions.

90. Officers in charge of Police-stations shall report to the Magistrate of the District the cases of all persons apprehended within the limits of their respective stations, whether such persons have been admitted to bail or otherwise.

Discharge of person apprehended.

No person who has been apprehended shall be discharged, except on bail or on his own recognizance, or under the special order of a Magistrate.

Police to enquire and report on unnatural and sudden deaths.

91. The officer in charge of a Police-station, on receiving notice or information of the unnatural or sudden death of any person, shall immediately give intimation thereof to the nearest Magistrate, and proceed to the place where the body of such deceased person is, and there in the presence of two or more respectable inhabitants of the neighbourhood, shall make enquiry, and report the apparent cause of death, describing any mark of violence which may be found on the body, and stating in what manner or by what weapon or instrument such mark appears to have been inflicted.

The report shall be signed by such Police officer and other persons or by so many of them as concur therein, and shall be forthwith forwarded to the Magistrate.

When there is any doubt regarding the cause of death, the Police officer shall forward the body, with a view to its being examined, to the nearest Civil Surgeon or other medical officer appointed in this behalf by the Local Government, if the state of the weather and the distance admit of its being so forwarded without risk of putrefaction on the road.

In the Presidencies of Madras and Bombay, the Head of the village shall make the enquiry and report as aforesaid.

Substitute for officer in charge of Police-station during his absence or illness.

92. The powers to be exercised by an officer in charge of a Police-station under this chapter shall be exercised, in the event of his absence or illness, by the Police officer next in rank present at the Police-station, above the rank of a constable.

CHAPTER II.—*Of Complaint in order to the issue of a Summons or Warrant.*

Summons or warrant obtained on complaint.

93. A summons or warrant of arrest may be obtained on a complaint.

Examination of complainant.

94. When, in order to the issuing of a summons or a warrant against any person for any offence, a complaint is made before the Magistrate of the District or a Magistrate authorized to receive such complaint without reference from the Magistrate of the District, such Magistrate shall examine the complainant.

The examination shall be reduced into writing and signed by the complainant, and also by the Magistrate.

Issue of summons or warrant.

95. The Magistrate before whom such complaint is duly made shall, if it appear to him that there is sufficient ground for proceeding, issue his summons, or, in cases in which a warrant may issue, his warrant, for causing the person accused to appear before himself or some other Magistrate having jurisdiction.

Dismissal of complaint.

If in the judgment of the Magistrate before whom the complaint is made there be no sufficient ground for proceeding, he shall dismiss the complaint.

Cognizance of offences without complaint made.

96. Except as is otherwise provided in Part X of this Act, the Magistrate of the District, or a Magistrate in charge of a division of a District, may, without any complaint, take cognizance of any offence which may come to his knowledge and may issue a summons, or, in cases where a warrant may issue, a warrant of arrest, against the person known or suspected to have committed such offence, in the same manner as if a complaint had been made against such person.

Proviso.

The provisions of this section shall not apply to the offences described in chapters XIX, XX and XXI of the Indian Penal Code.

On complaint summons may issue.

97. When a complaint is made before a Magistrate having jurisdiction in the case that any person has committed or is suspected of having committed any offence triable by such Magistrate and punishable with fine only or with imprisonment for a period not exceeding six months, the Magistrate may issue his summons directed to such person requiring him to appear at a certain time and place before such Magistrate to answer to the complaint.

If the Magistrate believes that the accused person is about to abscond, he may, instead of issuing a summons, issue a warrant in the first instance for the arrest of such person.

Warrant to arrest if summons not obeyed.

98. If the person served with a summons does not appear before the Magistrate at the time mentioned in such summons, and the Magistrate is satisfied that such summons was duly served in what the Magistrate deems a reasonable time before the time therein appointed for appearing to the same,

or if it appears to the Magistrate that, after due diligence, the summons could not be served according to the provisions of this Act,

the Magistrate may issue his warrant to apprehend the accused person.

In what cases warrant may issue on complaint.

99. When a complaint is made before a Magistrate having jurisdiction in the case that any person has committed or is suspected of having committed any offence triable by such Magistrate and punishable with imprisonment for a period exceeding six months,

or when a complaint is made before any Magistrate or Subordinate Magistrate or other officer empowered to commit persons for trial before the Court of Session that any person has committed

or is suspected of having committed any offence triable exclusively by the Court of Session or which in the opinion of such Magistrate or officer ought to be tried by the Court of Session,

such Magistrate may issue his warrant to arrest such person, or, if he thinks fit, his summons requiring him to appear to answer such complaint.

100. If the Magistrate sees cause to distrust the truth of the complaint, he may postpone the issuing of process for causing the attendance of the person complained against, and direct a previous enquiry to be made into the truth of the complaint, either by means of any officer subordinate to such Magistrate, or of a local Police officer, or in such other mode as he thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint.

Postponement of issue of process.

If such enquiry is made by means of some person other than an officer exercising any of the powers of a Magistrate or a Police officer, such person shall exercise all the powers conferred by this Act on an officer in charge of a Police-station, except that he shall have no power to make an arrest.

Dismissal of complaint.

Nothing contained in this section shall prevent the Magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

101. It shall be in the discretion of the Magistrate, in issuing his warrant for the arrest of any person against whom a complaint has been made, to direct by endorsement on the warrant that, if he be willing and ready to give bail in a sum to be fixed by the Magistrate for his appearance before the Magistrate to be named in the warrant on a specified day to answer the complaint, the officer to whom the warrant is directed shall accept such bail, and shall release from custody the person complained against.

Magistrate may direct bail to be taken.

In the event of bail being given, the officer shall forward the bail-bond to the Magistrate.

Bail-bond to be forwarded.

102. Whether a warrant or a summons be issued, the Magistrate may, if he sees sufficient cause, dispense with the personal attendance of the accused person and permit him to appear by an agent duly authorized to act in his behalf.

Magistrate may dispense with personal attendance of accused.

But it shall be in the discretion of the Magistrate at any stage of the proceedings to direct the personal attendance of the accused person.

103. If any person accused of an offence absconds or conceals himself, so that, upon a warrant issued against him, he cannot be found, the Magistrate shall, if satisfied that he absconds or conceals himself for the purpose of avoiding the service of the warrant, issue a written proclamation, requiring him to appear to answer the complaint within a fixed period not less than thirty days.

Proclamation for person absconding.

The proclamation shall be publicly read in some conspicuous place of the town or village in which the accused person usually resides, and shall be affixed on some conspicuous part of his ordinary place of abode, or on some conspicuous part of such town or village.

A copy of the proclamation shall also be affixed on some conspicuous part of the Magistrate's Court-house.

104. The Magistrate may, at the same time, order the attachment of any moveable or immoveable property belonging to the person absconding or concealing himself.

Attachment of property of person absconding.

Such order shall not authorize the attachment of any property out of the jurisdiction of the Magistrate by whom it is made, but it shall authorize the attachment of property in the jurisdiction of any Magistrate by whom the order is endorsed.

The attachment under this section shall, if the property ordered to be attached be land paying revenue to Government, be made through the Collector of the District in which the land is situate, and, in all other cases, by seizure under the order of the Magistrate or by the appointment of a manager and receiver, or by an order prohibiting the payment of rent to the absent person, as the Magistrate deems proper.

If the absent person does not appear within the time specified in the proclamation, the property under attachment shall be declared to be at the disposal of Government, but shall not be sold until the expiration of six months, unless it is of a perishable nature, or the Magistrate considers that the sale would be for the benefit of the owner.

105. When any person whose property has been declared to be at the disposal of Government under section 104, appears or is found within two years after the attachment of the property, and proves to the satisfaction of the Court trying him for the offence of which he was accused, or, if not tried or committed for trial for that offence, to the satisfaction of the Magistrate of the District, that he did not abscond or conceal himself for the purpose of evading justice, such property, or, if the same has been sold, the proceeds thereof, shall be restored to him.

Restoration of forfeited property.

CHAPTER III.—*Of the Summons.*

106. Every summons issued by a Magistrate to an accused person shall be in writing and shall be signed and sealed by such Magistrate, and shall be in the Form (A) given in the appendix to this Act, or to the like effect.

Form of summons.

107. A summons shall ordinarily be issued through a Police officer; but the Magistrate issuing the summons may, if he see fit, direct it to be served by any other person.

Summons by whom served.

108. The summons shall be served on the accused personally, by exhibiting the original and delivering or tendering a copy to him, or, in case the accused person cannot be found, the copy may be left for him with some adult male member of his family residing with him.

Summons how served.

109. When the accused person cannot be found, and there is no adult male member of his family on whom the service can be made, the serving officer shall fix a copy of the

Service when accused cannot be found.

on some conspicuous part of the house the accused person ordinarily resides.

But a Magistrate may (notwithstanding such summons), either before the appearance of the accused person as required by such summons, or after default made by him so to appear, issue a warrant of arrest against such person.

Issue of warrant in addition to summons.

111. The Magistrate of the District or a Magistrate in charge of a division of a District, may issue a summons or warrant for the apprehension of any person within such District or division of a District in respect of any offence known or suspected to have been committed by such person in a different District or division of a District, or on the high seas, or in a foreign country, and for which, if committed within the jurisdiction of such Magistrate, he might issue a summons or warrant.

Summons or warrant for offence committed beyond local jurisdiction.

112. The provisions relating to a summons and its service and issue contained in this chapter, shall be applicable to every summons issued under this Act, except summonses to serve as a juror or assessor:

Provisions in this chapter as to form, service and issue of summons applicable to all summonses.

Provided that, when the person summoned is in the service of Government or of any Railway Company, the Court or Magistrate issuing the summons may send the summons to the head of the office in which the person summoned is employed, and such head shall thereupon cause the summons to be served on the person named therein.

CHAPTER IV.—*Of the Warrant.*

113. Every warrant issued by a Magistrate shall be in writing, and shall be signed and sealed by such Magistrate, and shall be in the Form (B) given in the appendix to this Act, or to the like effect.

Form of warrant.

114. A warrant shall ordinarily be directed to a Police officer, but the Magistrate issuing a warrant may, if he see fit, direct it to any other person.

Warrants to whom directed.

115. When a warrant is directed to a person other than a Police officer, any other person may aid in executing such warrant, if the person to whom the warrant is directed be near at hand and acting in the execution of the warrant.

Warrants directed to any person other than a Police officer.

116. A warrant may be directed to several persons, and when so directed, may be executed by all, or by any one or more of such persons.

Warrant to several persons.

117. A warrant directed to a Police officer may also be executed by any other Police officer whose name is endorsed upon the warrant by the officer to whom the warrant is directed.

Warrant directed to Police officer.

118. The Magistrate by whom a warrant of arrest is issued, may attend personally for the purpose of seeing that the warrant is duly executed.

Magistrate issuing warrant may superintend its execution.

The Magistrate may also at any time direct the arrest in his presence of any person for whose arrest he is competent to issue a warrant.

Arrest in presence of Magistrate.

119. Every person is bound to assist a Magistrate or Police officer demanding his aid in the prevention of a breach of the peace,

All persons to assist Magistrate and police in certain cases.

or in the suppression of a riot or an affray,

or in the taking of any other person whom such Magistrate or Police officer is authorized to arrest.

120. A warrant issued by a Magistrate shall ordinarily be executed (unless it be specially otherwise provided) within the jurisdiction of the Magistrate of the District in which it was issued.

Where warrant of Magistrate must be executed.

121. When any person against whom a warrant is issued by a Magistrate escapes, goes into, or is in, any place out of the jurisdiction of the Magistrate issuing such warrant, the warrant may be executed in such place.

Warrant executed in another jurisdiction.

If the person against whom the warrant is issued is arrested in such place, the Police officer or other person executing the warrant shall (subject to the provisions of section 122) take him before the Magistrate of the District, or some other Magistrate within whose jurisdiction the arrest was made.

Procedure in such cases.

If the offence with which the person arrested is charged be bailable, and he is willing and ready to give bail for his appearance before the Magistrate by whom the warrant was issued, the Magistrate before whom he is brought shall take bail of him for his appearance accordingly, and shall release him from custody, and forward the recognizance or other bail-bond to the Magistrate by whom the warrant was issued.

If the offence be not bailable, or if the person arrested be unable to find bail, he shall be forwarded to the Magistrate by whom the warrant was issued.

If the arrest be made within the local limits of a High Court, the person accused, when arrested, shall be taken before the Chief Commissioner of Police or a Police Magistrate.

When arrest made within local limits of High Court.

Such Chief Commissioner or Police Magistrate shall forward the person arrested to the Magistrate by whom the warrant was issued, or, if the offence with which the person arrested is charged be bailable, shall admit him to bail, and shall forward the recognizance or other bail-bond to such Magistrate.

122. If the place of arrest under section 121 be within twenty miles from the place at which the warrant was issued, the person arrested may be taken, in the first instance, before the Magistrate who issued the warrant.

Where arrest made within twenty miles of place where warrant issued.

Direction and transmission of warrant for arrest out of issuer's jurisdiction.

123. A Magistrate issuing a warrant for the arrest of a person out of his jurisdiction, may direct the warrant to any Magistrate within whose jurisdiction such person is, or is supposed to be, and may send the same by post.

Endorsement and execution of warrant.

On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name thereon, and enforce its execution in the same manner as if the warrant had been originally issued by himself.

If the person named in the warrant be apprehended, he shall be carried before the Magistrate who endorsed it, and shall be dealt with by such Magistrate as provided in section 121.

Direction of warrants for execution within local limits of High Court.

124. A warrant issued under section 121 for execution within the local limits of a High Court, shall be directed to the Chief Commissioner of Police or to a Police Magistrate, who shall proceed in the manner provided in section 121.

Magistrate's procedure on arrest under his own warrant for offence committed out of his jurisdiction.

125. On the arrest of a person for whose apprehension a warrant has been issued under the provisions of section 111, in respect of an offence known or suspected to have been committed in another District or division of a District, the Magistrate who issued the warrant shall, unless he is authorized to complete the enquiry himself, send the person arrested to the Magistrate within the limits of whose jurisdiction the offence is known or suspected to have been committed, or take bail for his appearance before such Magistrate, if the offence of which such person is suspected is bailable.

When the Magistrate who issued the warrant cannot satisfy himself as to the Magistrate to whom the person arrested should be sent, the case shall be reported for the orders of the High Court.

Procedure where such warrant issued by Subordinate Magistrate.

126. If the arrest was made under a warrant issued under section 111 by a Magistrate subordinate to the Magistrate of the District, such Magistrate shall send the person arrested to the Magistrate of the District, unless the Magistrate in whose jurisdiction the offence is suspected to have been committed issues his warrant for the arrest of such person, in which case the person arrested shall be delivered to the Police officer or other person executing such warrant, or shall be sent to the Magistrate by whom such warrant was issued.

If the offence of which the person arrested is suspected has been committed in the jurisdiction of another Subordinate Court of the same District, the Magistrate who issued the warrant under section 111 shall send the person arrested to the Magistrate in charge of the division in which the offence was committed.

Notification of substance of warrant.

127. A Police officer or other person executing a warrant of arrest, shall notify the substance of the warrant to the person to be arrested, and, if required to do so, shall show the warrant to such person.

Warrant how executed.

128. In making an arrest, the Police other person exec agistrate warrant shall actu or confine the bo person to be arrested, unless there be a to the custody by word or action. be affixed rate's Court-

Resisting endeavour to arrest.

129. If a person against whom a arrest is issued fo he same time, the endeavour t ment of any the Police offi moveable pro- person executing the warrant may u to the per- necessary to effect the arrest. r concealing

Search of house entered by person against whom warrant issued.

130. If there is reason to believe tha son against whom ttachment has been issued hasn of the into, or is within, an author- or place, it shall be the iction of any person residing in or in charge of rsed. house or place, on demand of the Police officer the other person executing the warrant, to allow s Police officer or other person free ingress there and to afford all reasonable facilities for a sear e therein.

Breaking of door or window.

131. The Police officer or other person authorized by warrant to arrest n person, may break open any outer or inner door or window of any house or place, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking open zenána.

132. If information be received that a person accused of any offence for which a warrant may issue is concealed in an apartment in the actual occupancy of a woman who, according to the customs of the country, does not appear in public, the Police officer or other person employed to execute the warrant shall take such precautions as may be necessary to prevent the escape of the accused person.

If the accused person does not deliver himself up, the Police officer or other person authorized to execute the warrant may notify his authority and purpose, and demand admittance.

If after such notification and demand he cannot otherwise obtain admittance, he shall give notice to any woman as aforesaid in such apartment, not being a person against whom a warrant has been issued, that she is at liberty to withdraw, and afford her every reasonable facility for withdrawing, and may then break open the apartment and execute the warrant.

No unnecessary restraint.

133. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

Person arrested to be brought before Magistrate.

134. The officer or other person executing the warrant shall, without unnecessary delay, bring the person arrested before the Magistrate before whom he is required by this Act to produce him.

Inducements to disclosure or confession.

135. No Police officer or other person shall offer to the person arrested any inducement, by threat or promise or otherwise, to make any disclosure.

PART V

Police officer or other person shall pre- person arrested, by any caution or other- n making any disclosure which he may l to make of his own free will.

Issue of addition to

But he provisions relating to a warrant and its service and issue contained in this chapter, shall be applicable to every warrant of arrest issued under this Act.

summons, s to warvice and to all appear, iss st. person.

111. Th

Summons for offence co yond local ju

TER V.—*Arrest without Warrant.*

or divi olice may ar- know out warrant.

A Police officer may, without orders from a Magistrate and without a warrant, arrest,—

such

a *First*.—Any person who in the sight of such co ice officer shall commit an offence specified in j olumn three of the second schedule hereto an- s exed as an offence for which Police officers may arrest without a warrant.

Secondly.—Any person against whom a reasonable complaint has been made or a reasonable suspicion exists of his having been concerned in any such offence.

Thirdly.—Any person against whom a hue and cry has been raised of his having been concerned in any such offence.

Fourthly.—Any person who is a proclaimed offender.

Fifthly.—Any person found with stolen property in his possession.

Sixthly.—Any person who obstructs a Police officer while in the execution of his duty, and,

Seventhly.—Any deserter from Her Majesty's Army or Her Majesty's Indian Army.

Person charged refusing to give his name and residence.

138. Any person known or suspected to have committed an offence for which a Police officer is not authorized to arrest without a warrant, and who refuses on demand of a Police officer to give his name and residence,

or gives a name or residence which there is reason to believe to be false,

may be detained by such Police officer for the purpose of ascertaining the name or residence of such person and with a view to future proceedings.

Arrest of vagabonds.

139. An officer in charge of a Police-station may, without orders from a Magistrate and without a warrant, arrest or cause to be arrested any person found lurking within the limits of such station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself,

or any person who is a reputed robber, housebreaker, thief, receiver of stolen property knowing it to be stolen,

or who is of notoriously bad livelihood.

Police to prevent certain offences.

140. Every Police officer shall prevent, and he may interpose for the purpose of preventing, the commission of any offence specified in column three of the second schedule hereto annexed as an offence for which Police officers may arrest without a warrant.

Information of design to commit such offences.

141. Every Police officer receiving information of a design to commit any such offence, shall communicate such information to the Police officer to whom he is subordinate, and to any other officer whom it may concern to prevent or take cognizance of the commission of any such offence.

Arrest to prevent such offences.

142. A Police officer knowing of a design to commit any such offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if the commission of the offence cannot be otherwise prevented.

Injury to public property.

143. A Police officer may, of his own authority, interpose for the prevention of any injury attempted to be committed in his view to any public building, work of art, road, bridge, tank, well, or water-channel,

or to prevent the removal or injury of any public land-mark or buoy, or other mark used for navigation.

Ingress to be allowed into house entered by person of whom Police in search.

144. If there is reason to believe that any person liable to arrest under this chapter without a warrant, of whom a Police officer is in search, has entered into or is within any house or place, it shall be the duty of the person residing in or in charge of such house or place, on the demand of such Police officer, to allow ingress thereto, and all reasonable facilities for a search therein.

Procedure where ingress not obtainable.

145. If ingress to such house or place cannot be obtained under section 144, the Police officer authorized to make the arrest shall take such precautions as may be necessary to prevent the escape of the person to be arrested and send immediate information to a Magistrate.

If no warrant can be obtained without affording such person an opportunity of escape, and there is no person authorized to enter without a warrant on the spot, the Police officer may make an entry into such house or place and search therein.

Person arrested to be taken before Magistrate or officer in charge of Police-station.

146. A Police officer making an arrest under this chapter shall, without unnecessary delay, take or send the person arrested before the Magistrate having jurisdiction in the case, or before the officer in charge of a Police-station.

Offence committed in Magistrate's presence.

147. When any offence is committed in the presence of a Magistrate, he may order any person to arrest the offender, and may thereupon commit him to custody, or, if the offence is bailable, may admit him to bail.

Unlawful assembly to disperse on order.

148. A Magistrate or officer in charge of a Police-station may command an unlawful assembly to disperse, and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

Re-taking of person escaped.

149. If a person lawfully arrested under the provisions of this Act escapes or is rescued, the Police officer or other person from whose custody the person arrested has escaped or has

been rescued, may make fresh pursuit, and take him in any place, either within or without the jurisdiction where he was so in custody, and may deal with such person as such Police officer or other person might have done on an original taking.

Course to be followed in order to re-take.

150. In order to re-take any person, as provided in section 149, the Police officer or other person making such fresh pursuit may adopt the same measures as he might have adopted on the original taking.

Procedure when Police officer deputes subordinate to arrest without warrant.

151. When any officer in charge of a Police-station requires any officer subordinate to him to make without a warrant an arrest which may lawfully be made by such officer without a warrant, he shall deliver to the Police officer required to make the arrest, an order in writing, specifying the person to be arrested, and the offence for which the arrest is to be made.

The provisions of sections 119 and 127 to 133 (inclusive) shall apply to every order in writing issued under this section.

Police may pursue offenders into other jurisdictions.

152. For the purpose of arresting any person accused of any of the offences specified in column three of the second schedule hereto annexed as offences for which Police officers may arrest without a warrant, a Police officer may pursue any such person into the limits of another Police officer, whether subordinate to the same Magistrate as himself, or to the Magistrate of any other District, and whether such place be under the same Local Government or not.

Detention of offenders attending Court.

153. Any person attending the Court of the Magistrate, although not upon an arrest or summons on a charge made, may be detained by the Magistrate for the purpose of examination, for any offence which from the evidence he may appear to have committed, and may be proceeded against as though he had been arrested or summoned on a charge made.

PART III.

INQUIRY AND TRIAL.

CHAPTER I.—*Preliminary.*

Right of accused to be defended.

154. Every person charged before any Criminal Court with an offence may of right be defended by any barrister or attorney of a High Court, or by any pleader duly qualified under the provisions of Act No. XX of 1865, or any other law in force for the time being relating to pleaders.

Any such person may, with the permission of the Court (but not otherwise), employ any mukhtár or other person not being a barrister, attorney, or pleader, to assist him in his defence.

Magistrate's Court to be open.

155. The place in which the Court of a Magistrate is held for the trial of any complaint or for the purpose of conducting any preliminary investigation into any case triable by a Court of Session or the High Court or any Superior Court shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them.

But any such Court may, if it thinks fit, order that, during the investigation into any particular case triable by a Court of Session or by the High Court, no person shall have access to or be or remain in such room or building without the consent or permission of the Court.

CHAPTER II.—*Cases usually tried by Magistrates upon Summons.*

Procedure in cases tried upon summons.

156. The following procedure shall be observed in cases usually tried by Magistrates upon summons.

Defendant may be admitted to bail or allowed to be at large on his personal recognizance.

157. If upon the day appointed, the accused person appears voluntarily in obedience to the summons in that behalf served upon him, or is brought before the Magistrate by virtue of a warrant, it shall be at the discretion of the Magistrate to admit him to bail, or allow him to be at large upon his personal recognizance, as the Magistrate directs.

If the accused person cannot give bail when required to do so, he shall be committed to custody.

Non-appearance of complainant.

158. If upon the day appointed for the appearance of the accused person, or any day subsequent thereto on which the case may be called on, the complainant does not appear, the Magistrate shall dismiss the complaint, unless for some reason he thinks proper to adjourn the hearing of the same to some other day, upon such terms as he thinks fit.

Substance of complaint to be stated.

159. On the appearance of both parties on the day fixed for the trial, the substance of the complaint shall be stated to the accused person, and he shall be asked if he has any cause to show why he should not be convicted.

Conviction on admission of truth of complaint.

If the accused person admit the truth of the complaint, and show no sufficient cause why he should not be convicted, the Magistrate may convict him accordingly.

Procedure when no such admission is made.

160. If the accused person do not admit the truth of the complaint, the Magistrate shall proceed to hear the complainant and such witnesses as he produces in support of his complaint, and also to hear the accused person and such witnesses as he produces in his defence.

Adjournment.

161. Before or during the hearing of any complaint, the Magistrate may adjourn the hearing of the same to a day to be then appointed and stated in the presence and hearing of the party or parties.

If on the day to which such hearing or such further hearing has been so adjourned, the accused person does not appear, the Magistrate may issue his warrant for the arrest of such person.

If the complainant does not appear the Magistrate may dismiss the complaint.

But in cases of vexatious complaints.

If the Magistrate dismisses the complaint as frivolous or vexatious, he may, in his discretion, by his order of dismissal, award that the complainant shall pay to the accused person such compensation, not exceeding fifty rupees, as to such Magistrate seems just and reasonable.

In such cases, if more persons than one are accused, the Magistrate may in like manner award compensation not exceeding fifty rupees to each of them.

Recovery of such compensation.

The sum so awarded shall be recoverable by distress and sale of the moveable property belonging to the complainant, which may be found within the jurisdiction of the Magistrate of the District, and, in default of such distress, by imprisonment of the complainant in the civil jail, for any time not exceeding thirty days, unless such sum is sooner paid.

Withdrawal of complaint.

163. If a complainant at any time before a final order is passed in any case under this chapter satisfies the Magistrate that there are sufficient grounds for permitting him to withdraw his complaint, the Magistrate may permit him to withdraw it.

A complaint withdrawn under this section shall not again be entertained.

Acquittal.

164. If the Magistrate, in any case tried under this chapter, finds the accused person not guilty, he shall record a judgment of acquittal.

Sentence.

If the accused person is convicted, the Magistrate shall pass sentence upon him according to law.

When the personal attendance of the accused person during the trial has been dispensed with, the sentence of the Magistrate, if the sentence be for fine only, may be pronounced in the presence of the agent, if the accused person has been permitted to appear by agent, or the accused person may be required to attend to hear such sentence.

CHAPTER III.—*Cases usually tried by Magistrates upon Warrant, and preliminary inquiries before Magistrates in cases triable by the Court of Session.*

Procedure in cases tried upon warrant.

165. The following procedure shall be observed in cases usually tried before Magistrates upon warrant and in preliminary inquiries before Magistrates in cases triable by the Court of Session.

Examination of complainant and witnesses for prosecution.

166. When the person against whom the warrant is issued appears or is brought before the Magistrate, or if his personal attendance is dispensed with, when the Magistrate thinks fit, the Magistrate shall take the evidence of the complainant and of such persons as are stated to have any knowledge of the facts which form the subject matter of the accusation and the attendant circumstances.

Examination to be in presence of accused.

167. The complainant and the witnesses for the prosecution shall be examined in the presence of the accused person, or of his agent when his personal attendance is dispensed with and he appears by agent.

Accused may cross-examine.

The accused person or his agent shall be permitted to cross-examine the complainant and his witnesses.

Power of Magistrate to summon and examine any person.

168. The Magistrate may at any stage of the proceedings summon and examine any person whose evidence he considers essential to the enquiry.

Examination of accused.

169. The Magistrate may from time to time, at any stage of the enquiry, examine the accused person, and put such questions to him as he considers necessary.

It shall be in the option of the accused person to answer such questions.

Adjournment of enquiry and remand.

170. If from the absence of a witness or from any other reasonable cause, it becomes necessary or advisable to defer the examination, or further examination, of witnesses, the Magistrate may, by a written order, from time to time, adjourn the enquiry, and remand the accused person for such time as is deemed reasonable, not exceeding fifteen days:

Provided that, instead of detaining the accused person in custody during the period for which he is so remanded, the Magistrate may discharge him, upon his entering into a recognizance, with or without a surety or sureties, at the discretion of such Magistrate, conditioned for his appearance before the Magistrate at the time and place appointed for the continuance of such examination.

Discharge of accused.

171. When the evidence of the complainant and of the witnesses for the prosecution, and such examination of the accused person as the Magistrate considers necessary, have been taken, the Magistrate, if he finds that no offence has been proved against the accused person, and that there are not sufficient grounds for committing him to take his trial before the Court of Session, shall discharge him.

Charge when offence is apparently proved.

172. If the Magistrate finds that an offence is apparently proved against the accused person, which falls within the definition in a certain section of the Indian Penal Code, or within one or other of the definitions in several sections of the said Code, and if the Magistrate is competent to try such offence and thinks he ought to try it, he shall prepare in writing a charge against the accused person.

Plea.

173. The charge shall then be read to the accused person, and he shall be asked whether he is guilty or has any defence to make.

Defence.

174. If the accused person have any defence to make to the charge, he shall be called upon to enter upon the same, and to produce his witnesses if in attendance, and shall be allowed to recall and cross-examine the witnesses for the prosecution.

Acquittal.

175. If the Magistrate finds the accused person not guilty, he shall record judgment of acquittal.

If the accused person is convicted, the Magistrate shall pass sentence upon him according to law.

Conviction.

176. When evidence has been given before a Magistrate which appears to be sufficient for the conviction of the accused person of an offence which is triable exclusively by the Court of Session, or which, in the opinion of the Magistrate, is one that ought to be tried by the Court of Session, the accused person shall be sent for trial by the Magistrate before the Court of Session.

When defendant to be committed for trial.

If the Magistrate is a Justice of the Peace and the accused person is a European British subject, the Magistrate shall ask the accused person whether he wishes to be tried by the High Court or the Court of Session,

and if the accused person says that he wishes to be tried by the High Court, he shall be sent for trial accordingly.

But if he says that he wishes to be tried by the Court of Session, the Magistrate shall, in his discretion, send the accused person for trial before the Court of Session or the *High Court*, as the Magistrate thinks fit.

177. When the Magistrate determines to send the accused person before the Court of Session for trial, he shall make a written instrument under his hand and seal, declaring with what offence the accused person is charged, and shall direct him to be tried by such Court on such charge.

Contents of charge.

A copy of this instrument shall be forwarded with the record of the preliminary enquiry to the Court of Session before which the accused person is to be tried, and a copy shall also be sent to the public prosecutor or to the officer appointed to conduct the prosecution.

Copy of charge.

178. As soon as the charge on which the accused person is to be tried has been prepared, it shall be read to him, and a copy or translation thereof shall be furnished to him, if he so require.

Copy of charge to be furnished to accused.

179. The accused person shall be required at once to give in, orally or in writing, a list of witnesses whom he may wish to be summoned to give evidence on his trial before the Court of Session or High Court.

List of witnesses for defence on trial.

It shall be in the discretion of the Magistrate to allow the accused person to give in any further list of witnesses at a subsequent time.

Further list.

180. When a commitment is made to the Court of Session, the record of the Magistrate shall be forwarded to such Court, together with any weapon or other article of property connected with the case.

Record to be forwarded to Superior Court.

When a commitment is made to the High Court, such record and such weapon or other article shall be forwarded to the Clerk of the Crown, and if any part of such record is not in English, a translation thereof in English shall be forwarded therewith.

181. When the preliminary enquiry to the Magistrate is concluded, the accused person shall, if he demands it, be furnished, within a reasonable time after the demand, with copies of the depositions.

Copies of depositions to be furnished to accused.

Such copies shall be made at his expense.

182. When the accused person is committed to take his trial before the Court of Session, the Magistrate shall issue an order to the Government Pleader or other officer appointed by the Government to conduct prosecutions before the Court of Session, notifying such commitment, and stating the offence in the same form as the charge.

When commitment made, Magistrate to give notice to Government prosecutor.

Nothing in this section shall preclude the Magistrate, if he thinks fit, from appointing a person other than such Government Pleader or officer to conduct the prosecution.

CHAPTER IV.—*Inquiry by Subordinate Magistrates.*

183. Criminal cases brought before the Magistrate of the District or a Magistrate in charge of a division of a District, either on complaint preferred directly to such Magistrate or on the report of a Police officer, may be referred by such Magistrate to any Magistrate subordinate to him.

Reference of cases to Subordinate District Magistrate.

The reference shall be for enquiry or for trial, if the offence be triable by such Subordinate Magistrate,

or with a view to commitment to the Court of Session if such Magistrate is competent to commit to the Court of Session,

or with a view to commitment to the High Court if such Subordinate Magistrate is competent to commit to the High Court:

Provided that nothing in this section shall prevent any Subordinate Magistrate from entertaining, either on complaint preferred directly to such Magistrate or on the report of a Police officer (in cases in which the Subordinate Magistrate is authorized to receive such report), any case that such Magistrate is, by any law for the time being in force, competent to entertain.

Proviso.

184. When a criminal case is referred under this chapter to a Subordinate Magistrate, the order of reference, if the case has been brought forward on the report of a Police officer, shall be recorded on such report, and all processes issued for causing the attendance of the accused person or the witnesses, shall direct them to attend before such Court.

Record of order of reference.

Processes.

185. In the enquiry into or trial of cases under this chapter, the Subordinate Magistrates shall be guided by the rules herein prescribed for the guidance of the Magistrate of the District in similar cases;

Subordinate Magistrates to follow same procedure as Magistrate.

Police officers and others shall be bound to obey all orders and processes issued in such cases, in like manner as if such orders or processes had been issued by the Magistrate of the District.

PART V

in the course of a trial before a Subordinate Magistrate, the evidence appears to him to warrant a presumption that the accused person has been guilty of an offence which such Magistrate is not competent to try,

of Subordinate in cases risdiction.

But

or for which he is not competent to commit the accused person for trial,

he shall stay proceedings and submit the case to the Magistrate to whom he is subordinate, or to such other Magistrate having jurisdiction as the Magistrate of the District directs.

The Magistrate to whom the case is submitted shall either try the case himself or refer it to any officer subordinate to him having jurisdiction, or he may commit the accused person for trial.

In any such case, such Magistrate or other officer as aforesaid shall examine the parties and witnesses, and shall proceed in all respects as if no proceedings had been held in any other Court.

But any statement or confession duly made by an accused person in the course of the trial before the Subordinate Magistrate shall be admissible as evidence.

187. Whenever a Subordinate Magistrate having jurisdiction finds the accused person guilty, and considers that he ought to receive a more severe punishment than the Subordinate Magistrate is competent to adjudge, the Subordinate Magistrate may record the finding and submit his proceedings to the Magistrate to whom he is subordinate.

Procedure when Subordinate Magistrate cannot pass sentence sufficiently severe.

Such Magistrate, if he thinks fit, may examine the parties and recall and examine any witness who has already given evidence in the case, and he may call for or take any further evidence, and shall pass such sentence or order in the case as he deems proper, and as is according to law.

Or the Subordinate Magistrate may, if he is empowered to hold the preliminary enquiry into cases triable by the Court of Session and to commit persons to take their trial before such Court, commit the accused person for trial before the Court of Session instead of finding him guilty.

Subordinate Magistrate may commit accused for trial before Court of Session.

CHAPTER V.—*Trial by Court of Session.*

188. Except in the cases referred to in section 421, no Court of Session shall take cognizance of any offence as a Court of original criminal jurisdiction except upon a charge preferred by a Magistrate or other officer specially empowered under this Act or under any other law to make commitments to such Court.

Cognizance of offences by Court of Session in original jurisdiction.

189. When the Court is ready to commence the trial, the accused person shall be brought before it, and the charge shall be read and explained to him, and he shall be asked whether he is guilty of the offence charged, or claims to be tried.

Commencement of trial.

If the accused person pleads guilty, the plea shall be recorded, and he may be convicted thereon.

Plea of guilty.

190. If the accused person refuses to plead, or claims to be tried, the Court shall proceed to choose jurors or select assessors as hereinafter directed, and to try the case.

Refusal to plead, or claim to be tried.

191. In every trial before a Court of Session, the prosecution shall be conducted by the Government Pleader or by some other officer specially empowered in that behalf, and the complainant, if there be a complainant, shall be examined as a witness in the case.

Trial before Court of Session to be conducted by Government Pleader.

192. The examination of the accused person before the Magistrate shall be given in evidence at the trial.

Examination of accused before Magistrate to be evidence.

The attestation of the Magistrate shall be sufficient *primâ facie* proof of such examination, and such attestation shall be admitted without proof of the signature to it, unless the Court sees reason to doubt its genuineness.

Proof of such examination.

193. When the case for the prosecution has been brought to a close, the Court may, if it considers that there are no grounds for proceeding with the trial, record a judgment of acquittal; otherwise the accused person shall be called upon to enter upon his defence, and to produce his evidence.

Acquittal.

Defence.

At the close of the evidence, if any is produced on behalf of the accused person, and if not, at the close of the case for the prosecution, the Court may examine the accused person as hereinafter provided, after which he or his Counsel or agent may address the Court on the subject of such examination.

194. The accused person or his Counsel or agent may, at his option, address the Court at the close of the case for the prosecution, or at the close of any evidence that may be adduced on his behalf.

When accused may address Court.

195. If any evidence is adduced on behalf of the accused person, or if he answers any question put to him by the Court, the prosecutor, or the Counsel or agent for the prosecution, shall be entitled to reply.

Prosecutor's right of reply.

196. If the accused person is acquitted, the Court shall record a judgment of acquittal.

Judgment of acquittal.

If the accused person is convicted, the Court shall proceed to pass sentence upon him according to law.

Sentence.

197. The Court may, in its discretion, from time to time adjourn the trial.

Adjournment.

198. A Court of Session may direct the postponement of a trial, when it is satisfied that such postponement is proper and will promote the ends of justice.

Postponement of trial.

CHAPTER VI.—*Duties of Assessors and Juries in trials by Court of Session.*

199. In all trials before the Court of Session, there shall be either assessors or jurors, of whom lists shall be formed, and who shall be summoned to attend the sittings of the Court of Session, in the manner hereinafter provided.

Trials before Court of Session to be by assessors or jurors.

200. In a trial before the Court of Session, not by jury, the trial shall be conducted with the aid of two or more assessors as members of the Court, who shall be selected by the Judge from the persons summoned to act as assessors.

Trial with aid of assessors.

201. The opinion of each assessor shall be given orally and shall be recorded in writing by the Court, but the decision is vested exclusively in the Judge.

Decision vested in Judge.

202. If, in the course of a trial with the aid of assessors, at any time prior to the finding, any assessor is, from any sufficient cause, prevented from attending through the trial, the trial shall proceed with the aid of the other assessor or assessors.

Procedure when assessor is unable to attend.

If all the assessors are prevented from attending through the trial, the proceedings shall be stayed, and a new trial shall be held with the aid of fresh assessors.

203. The Local Government may order that the trial of all offences or of any particular class of offences before any Court of Session shall be by jury in any District, and such Local Government may from time to time revoke or alter such order.

Local Government may order trials before Court of Session to be by jury.

The Local Government may also, *if it see fit*, direct that, in any District or in any class of offences, the jurors shall, before the trial, be sworn in such form as the Government may prescribe.

Orders passed under this section shall be published in the official Gazette, and in such other manner as the Local Government from time to time directs.

204. In trials by jury before the Court of Session, the jury shall consist of five persons, or of such number, being an uneven number, and not being less than three nor more than nine, as the Local Government, by any general order applicable to any particular District or to any particular classes of offences in that District, directs.

Number of jury.

205. Whenever a trial by jury is to be held, the persons who are to constitute the jury shall be chosen by lot immediately before the commencement of the trial from the jurors who attend in obedience to the summons.

Jurors to be chosen by lot.

206. Before the commencement of a trial by jury the names of the jurors shall be called aloud, and, upon the appearance of each juror, the accused person shall be asked if he objects to be tried by such juror.

Names of jurors to be called.

Objection may then be made to such juror by the accused person or by the Government Pleader or other person appointed to conduct the prosecution, and the grounds of objection shall be stated.

Objections to jurors.

Any objection made to a juror shall be by the Court, and the decision of the Court shall be final.

If an objection be allowed, the place of such juror shall be supplied by any other juror attending in obedience to a summons, or, if there be no such juror present, then by any other person present in the Court whose name is on the list of jurors, or whom the Court considers a proper person to serve on the jury, provided no objection to such juror or other person be made and allowed.

207. Any objection taken to a juror on any of the following grounds, if made out to the satisfaction of the Court, shall be allowed :—

Grounds of objection.

(1.) any ground of disqualification within section 357;

(2.) standing in the relation of husband, master or servant, landlord or tenant, to the person alleged to be injured or attempted to be injured by the offence charged, or to the person on whose complaint the prosecution was instituted, or to the person accused;

(3.) being in the employment on wages of either of such persons;

(4.) being plaintiff or defendant against either of such persons in any civil suit,

(5.) having complained against, or having been accused by, either of such persons in any criminal prosecution,

(6.) any circumstance which, in the judgment of the Court, is likely to cause prejudice against, or favour to, either of such persons.

208. The Judge shall not allow any person to serve on the jury, unless such person understands the language in which the evidence is given or interpreted.

Juror to understand the language in which evidence is given or interpreted.

209. The jury shall appoint one of their number to be foreman.

Foreman of jury.

It shall be the duty of the foreman to preside in the debates of the jury, to deliver the verdict of the jury, or to ask any information from the Court that may be required by the jury.

If a majority do not agree in the appointment of a foreman, he shall be named by the Court.

Each juror shall, before the trial, make oath to the following effect :—

Jurors to be sworn.

"I, *A. B.*, do swear [*or* solemnly affirm] that I will truly judge in the case of the prisoner [*or* prisoners] at the bar and give my verdict according to the evidence."

210. The same jury, if not objected to, may try, or the same assessors may aid in the trial of, as many accused persons successively as to the Court seems meet.

The same jury or assessors may try in succession several offenders.

211. Whenever, in the opinion of the Court, it is proper and convenient that the jury or assessors should view the place in which the offence charged is said to have been committed, or any other place in which any other transaction material to the enquiry in the trial took place, an order shall be made to that effect, and the jury or assessors shall be conducted in a body, under the care of an officer of the Court, to the place which

View by jury or assessors.

But if [illegible] shown to them by a person appointed by [illegible]

[illegible] officer shall not suffer any other person to speak to, or hold any communication with, any of the jury or assessors, and they shall, when the view is finished, be immediately conducted back into Court.

212. If, in the course of a trial by jury at any time prior to the finding, any juror, from any sufficient cause, is prevented from attending through the trial, or if any juror absents himself, and it is not possible to enforce his attendance,

Procedure when juror becomes unable to attend.

a new juror shall be added, or the jury shall be discharged and a new jury empanelled, and in either case the trial shall commence anew.

213. [illegible] a trial by jury, the Judge shall sum up the evidence on both sides.

Summing up evidence.

The jury shall then deliver their finding upon the charge.

A statement of the Judge's direction to the jury shall form part of the record.

In trials not by jury, the ground of the Judge's decision shall be recorded.

214. At the close of the trial, and after the Judge has summed up the evidence as hereinbefore provided, the jury may retire to consider their finding, and it shall be the duty of an officer of the Court not to suffer any person to speak to, or hold any communication with, any member of such jury.

Retirement of jury to consider finding.

215. In any case in which a jury is prepared to deliver their finding, the Judge shall ask the jury whether they are unanimous, and if they are unanimous, their verdict shall be accepted and the accused person shall be acquitted or convicted accordingly.

Procedure where jury are unanimous.

216. If the jury are not unanimous, the Judge may require them to retire for further consideration. After such a period as the Judge considers reasonable, the jury may deliver their verdict although they are not unanimous.

Procedure where jury differ.

217. If a majority of not less than two-thirds agree to convict the prisoner, and if the Judge agrees in their verdict, the prisoner shall be convicted. In any other case he shall be acquitted.

Conviction.

Acquittal.

218. If a trial is adjourned, the jury or assessors shall be required to attend at the adjourned sitting, and at every subsequent sitting, until the conclusion of the trial.

Jury or assessors to attend at adjourned sitting.

219. Criminal trials before the Court of Session in which a European (not being a British subject) or an American is the accused person, or one of the accused persons, shall be by jury.

Jury for trial of Europeans or Americans.

In such case the jury, if such European or American desire it, shall consist of at least one-half of Europeans (whether British subjects or not) or Americans, if such a jury can be procured :

Provided that, in any District in which the Local Government has not ordered that all trials or trial for all offences of the class within which the trial about to take place falls, shall be by jury, such European or American may elect to be tried without jury.

Election to be tried without jury.

220. When a trial is held in which the accused person or one of the accused persons is entitled to be tried by a jury constituted under the provisions of section 219, the Court of Session shall, three days at least before the day fixed for holding such trial, cause to be summoned in the manner hereinafter prescribed as many European or American jurors as are required for the trial, if there be so many on the jury-list of the District.

Summoning and empanelling jurors under section 219.

The Court shall also at the same time in like manner cause to be summoned the same number of other persons named in the revised list, unless such number of such other persons shall have been summoned for jury trials at that session.

From the whole number of persons returned, the jurors who are to constitute the jury shall be taken by lot in the manner prescribed in section 205 until a jury containing the proper number of Europeans or Americans, or a number approaching thereto as nearly as possible, has been obtained.

If a jury containing the requisite number of Europeans and Americans be not obtained, the accused person may elect to be tried by the Judge with the aid of assessors; otherwise he shall be tried by the jury obtained by the means aforesaid.

221. In a trial by jury before the Court of Session of a person not being a European or an American, at least one-half of the jury, if the accused person desire it, shall consist of persons who are neither Europeans nor Americans.

Jury for trial of persons not Europeans or Americans.

222. In any case before the Court of Session, in which a European or American is charged jointly with a person of any other race, such other person shall, if he desire it, be tried separately if the European or American claims to be tried by a jury consisting of at least one-half of Europeans and Americans.

Jury when European or American charged jointly with one of another race.

PART IV.

APPEAL, REFERENCE, AND REVISION.

CHAPTER I.—*Appeal.*

223. Any person convicted on a trial held by an officer exercising powers less than those of a Magistrate, may appeal to the Magistrate of the District or other officer exercising the powers of a Magistrate, who has been empowered by the Local Government to hear such appeals.

Appeals from officers exercising powers less than those of a Magistrate.

224. Any person convicted by any Civil, Criminal or Revenue Court under Part VIII of this Act, chapter III, may appeal to the Court to which decrees or orders made in such Court are ordinarily appealable, subject to the rules provided in sections 232, 233, 234, 236, 237, and 238.

Appeals from convictions by Civil Courts.

Petitions of appeal under this section, if presented to any District Court, must be presented within thirty days from the day on which the sentence or order appealed against is passed.

Appeals from Justices of the Peace.

225. Any person convicted and sentenced by any Justice of the Peace exercising jurisdiction under section 47 or under section 387 or 389, may appeal to the Court of Session of the District in which the trial was held.

Cases appealed under this section shall not be afterwards liable to revision by means of a writ of *certiorari*:

Provided that nothing in this section shall take away the power of quashing any conviction by means of a writ of *certiorari* in any case where there has been such an appeal as aforesaid.

Appeals from Magistrates.

226. Any person convicted on a trial held by the Magistrate of the District or other officer exercising the powers of a Magistrate, or required by such Magistrate or other officer under section 443 or section 444 to give security for good behaviour, may appeal to the Court of Session of the District.

Appeals by persons convicted by officers invested under section 26.

227. Any person convicted on a trial held by any officer invested with the power described in section 26, may appeal to the High Court, and no appeal against such conviction shall lie to the Court of Session.

Appeals by persons convicted by Session Court.

228. Any person convicted on a trial held by a Court of Session may appeal to the High Court.

If the conviction was in a trial held with the aid of assessors, the appeal may be on a matter of fact as well as on a matter of law.

If the conviction was on a trial by jury, the appeal shall be admissible on a matter of law only.

No appeal in case of acquittal.

229. There shall be no appeal from a judgment of acquittal passed in any Criminal Court.

No appeal in petty cases.

230. There shall be no appeal in cases in which a Court of Session or the Magistrate of a District or other officer exercising the powers of a Magistrate passes a sentence of imprisonment not exceeding one month, or of a fine not exceeding fifty rupees.

Time for presenting appeals.

231. Petitions of appeal to any Appellate Court, except the High Court, must be presented within thirty days from the day on which the sentence or order appealed against is passed.

Petitions of appeal to the High Court must be presented within sixty days, calculated as above.

An appeal may be admitted after the time herein provided on sufficient cause shown.

Copy of sentence to accompany petition.

232. Every petition of appeal shall be accompanied by a copy of the sentence or order appealed against.

Rejection of appeal.

233. The Appellate Court may reject an appeal if, on a perusal of the petition of appeal and copy of the sentence or order appealed against, and after hearing the appellant or his Counsel or agent if they appear, the Court considers that there is no sufficient ground for questioning the correctness of the proceedings or for interfering with the order appealed against.

Before rejecting the petition of appeal, the Court may call for and peruse the proceedings of any of the lower Courts, and may do so and so to do.

Procedure where appellant in jail.

234. If the party appealing be in jail in pursuance of the sentence or order appealed against, he within shall be at liberty to present his petition of appeal and the copy of the sentence or other order appealed against, to the Magistrate or other person in charge of the jail, who shall thereupon forward the petition to the proper authority.

Copy of sentence or order to be furnished.

235. A copy of the final sentence or order passed by any Criminal Court, together with the reasons for passing or making the same, shall be furnished without delay on the application of any party to the case in which such sentence or order was passed.

Such copy shall be made at the expense of the person applying for it, unless he is in confinement under the sentence or order and is desirous of appealing against the same, or unless the Court, for any special reason, sees fit to grant such copy free of expense.

Appellate Court may alter or reverse finding and sentence.

236. The Appellate Court, after perusing the proceedings of the lower Court and after hearing the plaintiff or his Counsel or agent if they appear, may alter or reverse the finding and sentence or order of such Court, but not so as to enhance any punishment that has been awarded.

Suspension of sentence pending appeal.

237. In any case in which an appeal is allowed, the Appellate Court may, pending the appeal, order that the sentence be suspended, and if the appellant be in confinement for an offence which is bailable, may

Release of appellant on bail.

order that he be released on bail; and the High Court may exercise the same authority in cases coming before it as a Court of Revision.

Appellate Court may direct further enquiry.

238. In any case in which an appeal has been allowed, the Appellate Court, if it think further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the appellant to be necessary, may direct such enquiry to be made and additional evidence to be taken.

The result of the further enquiry and the additional evidence shall be certified to the Appellate Court, and such Court shall thereupon proceed to dispose of the appeal.

Unless the Appellate Court otherwise directs, the presence of the appellant may be dispensed with when the further enquiry is made or evidence taken.

The provisions of this Act relating to summoning and enforcing the attendance of witnesses examined under this section.

officer of their examination shall, so far as may the Court

if it

Findings not reversible on the ground of offence proved being theft.

239. No finding by a Court of the offence of dishonest misappropriation of property under section 403 of the Indian Penal Code,

or of dishonest misappropriation of property possessed by a deceased person at the time of his death under section 404 of the said Code,

or of criminal breach of trust under section 405 of the said Code,

or of criminal breach of trust by a carrier, wharfinger or warehouse-keeper under section 407 of the said Code,

or of criminal breach of trust as a clerk or servant under section 408 of the said Code,

shall be reversed or altered by any Court, whether on appeal or revision, on the ground that the offence proved by the evidence was

the offence of theft under section 378 of the said Code,

or the offence of theft in a building, tent, or vessel under section 380 of the said Code,

or the offence of theft as a clerk or servant of property in the possession of his master under section 381 of the said Code.

Finding of theft not reversible on the ground of offence proved being dishonest misappropriation.

240. No finding by a Court of the offence of theft under the said section 378 of the Indian Penal Code,

or of theft in a building, tent, or vessel, under the said section 380,

or of theft as a clerk or servant of property in the possession of his master under the said section 381,

shall be liable to be reversed or altered by any Court, whether on appeal or revision, on the ground that the offence proved by the evidence was one of the following:—

dishonest misappropriation of property under the said section 403,

dishonest misappropriation of property possessed by a deceased person at the time of his death under the said section 404,

such dishonest misappropriation under the said section, the offender being at the time of the person's decease employed by him as a clerk or servant,

criminal breach of trust under the said section 405,

criminal breach of trust as a carrier, wharfinger or warehouse-keeper under the said section 407,

criminal breach of trust as a clerk or servant under the said section 408:

Saving of power of Appellate Court to reduce punishment.

241. Provided that nothing in sections 239 and 240 shall preclude the Appellate Court, in any case mentioned therein, from reducing the punishment awarded by a lower Court in such case within the limits prescribed for the offence which the Appellate Court considers to have been proved by the evidence against the accused person.

Finding or sentence when reversible by reason of error or defect in charge or proceedings.

242. No finding or sentence passed by a Court of competent jurisdiction shall be reversed or altered on appeal or revision on account of any error or defect, either in the charge or in the proceedings on trial, unless the accused person has been sentenced to a larger amount of punishment than could be awarded for the offence of which, in the judgment of the Appellate Court, he ought upon the evidence to have been found guilty,

or unless, in the judgment of the Appellate Court, he has been prejudiced by such error or defect.

Appellate Court may reduce punishment.

In case the accused person has been sentenced to a larger amount of punishment than could have been awarded for the offence which, in the judgment of the Appellate Court, is proved by the evidence, the Appellate Court may reduce the punishment within the limits prescribed by the Indian Penal Code or any law for the time being in force for such offence.

Procedure in case of conviction by Court not having jurisdiction.

243. When any Court has convicted a person of an offence not triable by such Court, the Appellate Court may annul the conviction and sentence of such Court, and direct the trial of the case by a Court of competent jurisdiction.

Finality of orders on appeal.

244. Except as provided in section 260, sentences and orders passed by an Appellate Court upon appeal shall be final.

Unless otherwise provided, no appeal to lie from order or sentence of Criminal Court.

245. Unless otherwise provided by this Act or by any other law for the time being in force, no appeal shall lie from any order or sentence of a Criminal Court.

CHAPTER II.—*Reference.*

Sentence of death.

246. If the Court of Session pass sentence of death, the sentence shall not be executed without the confirmation of the High Court.

If the accused person is convicted of an offence which by the Indian Penal Code is punishable with death, and the Court sentences him to any punishment other than death, the Court shall, in the statement of trials to be periodically submitted to the High Court as hereinafter required, under the head of "Sentences passed upon the accused persons," state the grounds upon which it remitted the punishment of death.

Constitution of Court for hearing case referred for confirmation of sentence.

247. A case referred to a High Court by a Court of Session for confirmation of a sentence of death shall be heard by a Court constituted by two or more Judges of such High Court.

Power of High Court to confirm sentence or annul conviction.

248. In any case so referred, the High Court may either confirm the sentence or pass any other sentence warranted by law, or may annul the conviction and order a new trial on the same or an amended charge.

Petitions of appeal under this section, if presented to any District Court, must be presented within thirty days from the day on which the sentence or order appealed against is passed.

Appeals from Justices of the Peace.

225. Any person convicted and sentenced by any Justice of the Peace exercising jurisdiction under section 47 or under section 387 or 389, may appeal to the Court of Session of the District in which the trial was held.

Cases appealed under this section shall not be afterwards liable to revision by means of a writ of *certiorari:*

Provided that nothing in this section shall take away the power of quashing any conviction by means of a writ of *certiorari* in any case where there has been such an appeal as aforesaid.

Appeals from Magistrates.

226. Any person convicted on a trial held by the Magistrate of the District or other officer exercising the powers of a Magistrate, or required by such Magistrate or other officer under section 443 or section 444 to give security for good behaviour, may appeal to the Court of Session of the District.

Appeals by persons convicted by officers invested under section 26.

227. Any person convicted on a trial held by any officer invested with the power described in section 26, may appeal to the High Court, and no appeal against such conviction shall lie to the Court of Session.

Appeals by persons convicted by Session Court.

228. Any person convicted on a trial held by a Court of Session may appeal to the High Court.

If the conviction was in a trial held with the aid of assessors, the appeal may be on a matter of fact as well as on a matter of law.

If the conviction was on a trial by jury, the appeal shall be admissible on a matter of law only.

No appeal in case of acquittal.

229. There shall be no appeal from a judgment of acquittal passed in any Criminal Court.

No appeal in petty cases.

230. There shall be no appeal in cases in which a Court of Session or the Magistrate of a District or other officer exercising the powers of a Magistrate passes a sentence of imprisonment not exceeding one month, or of a fine not exceeding fifty rupees.

Time for presenting appeals.

231. Petitions of appeal to any Appellate Court, except the High Court, must be presented within thirty days from the day on which the sentence or order appealed against is passed.

Petitions of appeal to the High Court must be presented within sixty days, calculated as above.

An appeal may be admitted after the time herein provided on sufficient cause shown.

Copy of sentence to accompany petition.

232. Every petition of appeal shall be accompanied by a copy of the sentence or order appealed against.

Rejection of appeal.

233. The Appellate Court may reject the appeal if, on a perusal of the petition of appeal and copy of the sentence or order appealed against, and after hearing the appellant or his Counsel or agent if they appear, the Court considers that there is no sufficient ground for interfering with the sentence or order appealed against.

Before rejecting the appeal, the Court may call for and peruse any part of the proceedings of the lower Court, but shall not be bound so to do.

Procedure where appellant in jail.

234. If the party appealing be in jail in pursuance of the sentence or order appealed against, he shall be at liberty to present his petition of appeal and the copy of the sentence or order appealed against, to the Magistrate or other officer in charge of the jail, who shall forward the petition to the proper Appellate authority.

Copy of sentence or order to be furnished.

235. A copy of the final sentence or order passed by any Criminal Court, together with the reasons for passing or making the same, shall be furnished without delay on the application of any party to the case in which such sentence or order was passed.

Such copy shall be made at the expense of the person applying for it, unless he is in confinement under the sentence or order and is desirous of appealing against the same, or unless the Court, for any special reason, sees fit to grant such copy free of expense.

Appellate Court may alter or reverse finding and sentence.

236. The Appellate Court, after perusing the proceedings of the lower Court and after hearing the plaintiff or his Counsel or agent if they appear, may alter or reverse the finding and sentence or order of such Court, but not so as to enhance any punishment that has been awarded.

Suspension of sentence pending appeal.

237. In any case in which an appeal is allowed, the Appellate Court may, pending the appeal, order that the sentence be suspended, and if the appellant be in confinement for an offence which is bailable, may

Release of appellant on bail.

order that he be released on bail; and the High Court may exercise the same authority in cases coming before it as a Court of Revision.

Appellate Court may direct further enquiry.

238. In any case in which an appeal has been allowed, the Appellate Court, if it think further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the appellant to be necessary, may direct such enquiry to be made and additional evidence to be taken.

The result of the further enquiry and the additional evidence shall be certified to the Appellate Court, and such Court shall thereupon proceed to dispose of the appeal.

Unless the Appellate Court otherwise directs, the presence of the appellant may be dispensed with when the further enquiry is made or evidence taken.

The provisions of this Act relating to summoning and enforcing the attendance of witnesses examined under this section.

officer of a Court, if it thinks fit, their examination shall, so far as may be, be taken.

Certain things not reversible on the ground of offence proved being theft.

239. No finding by a Court of the offence of dishonest misappropriation of property under section 403 of the Indian Penal Code,

or of dishonest misappropriation of property possessed by a deceased person at the time of his death under section 404 of the said Code,

or of criminal breach of trust under section 405 of the said Code,

or of criminal breach of trust by a carrier, wharfinger or warehouse-keeper under section 407 of the said Code,

or of criminal breach of trust as a clerk or servant under section 408 of the said Code,

shall be reversed or altered by any Court, whether on appeal or revision, on the ground that the offence proved by the evidence was

the offence of theft under section 378 of the said Code,

or the offence of theft in a building, tent, or vessel under section 380 of the said Code,

or the offence of theft as a clerk or servant of property in the possession of his master under section 381 of the said Code.

Finding of theft not reversible on the ground of offence proved being dishonest misappropriation.

240. No finding by a Court of the offence of theft under the said section 378 of the Indian Penal Code,

or of theft in a building, tent, or vessel, under the said section 380,

or of theft as a clerk or servant of property in the possession of his master under the said section 381,

shall be liable to be reversed or altered by any Court, whether on appeal or revision, on the ground that the offence proved by the evidence was one of the following:—

dishonest misappropriation of property under the said section 403,

dishonest misappropriation of property possessed by a deceased person at the time of his death under the said section 404,

such dishonest misappropriation under the said section, the offender being at the time of the person's decease employed by him as a clerk or servant,

criminal breach of trust under the said section 405,

criminal breach of trust as a carrier, wharfinger or warehouse-keeper under the said section 407,

criminal breach of trust as a clerk or servant under the said section 408:

Saving of power of Appellate Court to reduce punishment.

241. Provided that nothing in sections 239 and 240 shall preclude the Appellate Court, in any case mentioned therein, from reducing the punishment awarded by a lower Court in such case within the limits prescribed for the offence which the Appellate Court considers to have been proved by the evidence against the accused person.

Finding or sentence when reversible by reason of error or defect in charge or proceedings.

242. No finding or sentence passed by a Court of competent jurisdiction shall be reversed or altered on appeal or revision on account of any error or defect, either in the charge or in the proceedings on trial, unless the accused person has been sentenced to a larger amount of punishment than could be awarded for the offence of which, in the judgment of the Appellate Court, he ought upon the evidence to have been found guilty,

or unless, in the judgment of the Appellate Court, he has been prejudiced by such error or defect.

Appellate Court may reduce punishment.

In case the accused person has been sentenced to a larger amount of punishment than could have been awarded for the offence which, in the judgment of the Appellate Court, is proved by the evidence, the Appellate Court may reduce the punishment within the limits prescribed by the Indian Penal Code or any law for the time being in force for such offence.

Procedure in case of conviction by Court not having jurisdiction.

243. When any Court has convicted a person of an offence not triable by such Court, the Appellate Court may annul the conviction and sentence of such Court, and direct the trial of the case by a Court of competent jurisdiction.

Finality of orders on appeal.

244. Except as provided in section 260, sentences and orders passed by an Appellate Court upon appeal shall be final.

Unless otherwise provided, no appeal to lie from order or sentence of Criminal Court.

245. Unless otherwise provided by this Act or by any other law for the time being in force, no appeal shall lie from any order or sentence of a Criminal Court.

CHAPTER II.—*Reference.*

Sentence of death.

246. If the Court of Session pass sentence of death, the sentence shall not be executed without the confirmation of the High Court.

If the accused person is convicted of an offence which by the Indian Penal Code is punishable with death, and the Court sentences him to any punishment other than death, the Court shall, in the statement of trials to be periodically submitted to the High Court as hereinafter required, under the head of "Sentences passed upon the accused persons," state the grounds upon which it remitted the punishment of death.

Constitution of Court for hearing case referred for confirmation of sentence.

247. A case referred to a High Court by a Court of Session for confirmation of a sentence of death shall be heard by a Court constituted by two or more Judges of such High Court.

Power of High Court to confirm sentence or annul conviction.

248. In any case so referred, the High Court may either confirm the sentence or pass any other sentence warranted by law, or may annul the conviction and order a new trial on the same or an amended charge.

If the case has been tried by the Court of Session with the aid of assessors, it shall further be competent to the High Court to acquit the accused person and order his discharge.

Power to acquit.

249. If the case so referred has been tried by the Court of Session with the aid of assessors, the High Court, if it think further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused person to be necessary, may direct such enquiry to be made, or such additional evidence to be taken.

Power to direct further enquiry, &c.

The result of the further enquiry and the additional evidence shall be certified to the High Court, and the High Court shall thereupon proceed to pass judgment of acquittal, or such sentence as it thinks fit.

250. In every case so referred to the High Court, the confirmation of the sentence, or any new sentence or order passed by the High Court, shall be signed by at least two Judges of the Court.

Confirmation or new sentence to be signed by two Judges.

251. When the High Court of reference, revision or appeal, in any part of the territories to which this Code has been extended as aforesaid, consists of a single Judge, he shall have all the powers conferred upon two or more Judges of the High Court by this chapter.

When High Court consists of one Judge.

CHAPTER III.—*Revision.*

252. The High Court may make and issue general rules for regulating the practice and proceedings of that Court and of all Criminal Courts subordinate to it,

Power to High Court to make rules, &c.

for keeping all books, entries and accounts to be kept in such Courts, and

for the preparation and transmission of any calendars or statements to be prepared and submitted by such Courts,

and may also frame forms (when not prescribed by this Act) for every proceeding in the said Courts for which it thinks that a form should be provided, and from time to time may alter any such rule or form:

Provided that such rules and forms be not inconsistent with the provisions of this Act, or of any other law in force.

Any rules framed by the Court under this section shall be published in the official Gazette.

253. The High Court may frame rules consistent with this Act for the conduct of business transacted by any two or more Magistrates sitting together, and may from time to time repeal, alter and add to such rules.

High Court may frame rules.

All such rules, and all repeals and alterations thereof, and additions thereto, shall be published in the local Gazette.

254. The Court of Session shall send to the High Court such periodical statements or calendars of trials held by such Court as the High Court prescribes, exhibiting the offences charged, the offences of which the accused persons are convicted, and the sentences or orders passed upon them.

Calendars of trials by Court of Session.

255. A Court of Session and a Magistrate may at all times call for and examine the record of any Court immediately subordinate to such Court or Magistrate, for the purpose of satisfying itself or himself as to the legality of any sentence or order passed, and as to the regularity of the proceedings of such subordinate Court.

Powers of Court of Session and Magistrate to call for record of subordinate Courts.

If the Court of Session or Magistrate is of opinion that the sentence or order is contrary to law, the Court or Magistrate shall refer the proceedings for the orders of the High Court.

Reference to High Court.

No Court other than the High Court shall alter any sentence or order of any subordinate Court except upon appeal by parties concerned, duly made according to the provisions of Part IV, chapter I of this Act.

256. In the case of offences specified in the seventh column of the second schedule hereto annexed, as triable by the Court of Session only or by the Court of Session or Magistrate of the District, the Court of Session may order the commitment of any accused person who may have been discharged by any Magistrate.

Commitment of person discharged by Magistrate.

In the case of such offences, the Court of Session may order an enquiry into any complaint which any Magistrate may have dismissed without enquiry.

In the case of such offences the Magistrate of the District shall have like powers where the Magistrate who has discharged the accused person or dismissed the complaint without enquiry is a Subordinate Magistrate.

If the Court of Session considers that any person convicted by a Magistrate has committed an offence not triable by such Magistrate, it may annul the conviction and sentence, and direct the commitment of the accused person for trial before itself.

257. The High Court, in any case tried by the Court of Session in which upon a review of the abstract statement or calendar of prisoners punished without reference, it appears that the sentence passed is one which cannot lawfully be passed on a person convicted of the offence as stated in the abstract statement or calendar, shall annul the sentence, and shall certify to the Court of Session the sentence which may lawfully be passed for such offence;

Annulment of illegal sentence.

Thereupon the Court of Session shall pass a new sentence according to law, and shall amend the record in accordance therewith.

258. The High Court, in any case tried before a Court of Session in which, upon a review of the abstract statement or calendar of prisoners punished without reference, it appears that there has been error in the decision of the Court of Session on a point of law, or that a point of law should be considered by the High Court, may call for the record, or such portion thereof as it deems necessary, together with a report of the Judge's direction to the jury, if the case have been tried by a jury,

Revision of trials.

on reviewing the depositions of the witness- direction of the Judge, and the conviction, ermine any point of law arising out of the thereupon pass such order as to the urt seems right.

officer of the Court if it

259. The High Court may, on the report of a Court of Session or of a Magistrate, or whenever it thinks fit, call for the record of any criminal trial or the record of any judicial proceeding of a Criminal Court, other than a criminal trial, in any Court within its jurisdiction, in which it appears to it that there has been error in the decision on a point of law, or that a point of law should be considered by the High Court, and may determine any point of law arising out of the case, and thereupon pass such order as to the High Court seems right.

General power of revision.

260. The High Court may call for and examine the record of any case tried by any Court of Session for the purpose of satisfying itself as to the legality or propriety of any sentence or order passed, and as to the regularity of the proceedings of such Court.

Power to call for records of Court of Session.

If it appear to the High Court that the sentence passed is too severe, the High Court may pass any mitigated sentence warranted by law.

Mitigation of sentence.

If the High Court is of opinion that the sentence or order is contrary to law, it shall reverse the sentence or order, and pass such judgment, sentence, or order as to the Court seems right, or, if it deems necessary, may order a new trial.

Reversal of sentence.

261. Whenever a case is revised by the High Court under this chapter, it shall certify its decision or order to the Court in which the conviction was had or by which the order was passed; or if the conviction or order was passed by a Magistrate other than the Magistrate of the District, to the Magistrate of the District.

Order on revision to be certified to lower Court or District Magistrate.

The Court or Magistrate to which the High Court certifies its order shall thereupon make such orders as are conformable to the decision of the High Court, and, if necessary, the record shall be amended in accordance therewith:

Provided that, in any case revised by the High Court under this chapter, the High Court shall not reverse the verdict of the jury, or, except as provided in this chapter, alter or reverse the sentence or order of the Court below.

Proviso.

262. No trial held in any Criminal Court shall be set aside, and no judgment passed by any Criminal Court shall be reversed, either on appeal or otherwise, for any irregularity in the proceedings of the trial, unless such irregularity have occasioned a failure of justice.

When trials may be set aside for irregularity.

PART V.

EXECUTION.

263. In cases referred by the Court of Session for the confirmation of a sentence by the High Court, the proper officer of the High Court shall without delay, after the order of confirmation or other order has been made by the High Court, send a copy of the order under the seal of the High Court, and attested with his official signature, to the Court of Session.

Procedure in cases referred to High Court for confirmation.

Such Court shall, if the sentence be confirmed immediately, issue a warrant to the officer in charge of the jail in which the prisoner is confined, to cause the sentence or order to be carried into execution; or, in the case of any other order, shall cause such order to be carried into effect.

264. In cases tried by the Court of Session, the Court shall forward a copy of its finding and sentence to the Magistrate of the District in which the trial was held.

Court of Session to send copy of finding and sentence to District Magistrate.

If the accused person is sentenced to imprisonment, the Court shall forthwith forward him, with a warrant for the execution of the sentence, to the officer in charge of the jail of the District in which the trial was held.

Warrant of execution.

The warrant shall state the offence of which the accused person has been convicted and the period during which he is to be imprisoned and the nature of the imprisonment.

In cases tried by any Court inferior to a Court of Session, the Court passing the sentence shall forthwith forward the accused person, with a similar warrant for the execution of the sentence, to the officer in charge of the jail of the District in which the trial was held.

Procedure after sentence passed by Court inferior to Session Court.

265. Upon the receipt of a warrant under section 263 or 264, the officer in charge of the jail shall cause the sentence to be executed, and shall return the warrant, when the sentence has been fully executed, to the Court from which it issued, with an endorsement under his signature, certifying the manner in which the sentence has been executed.

Execution of sentence under section 263 or 264.

266. If a prisoner sentenced to punishment is seized with illness or is liable to personal infirmity, such that the execution of the sentence would produce corporal evil of a sort not intended, or is pregnant, the officer whose duty it is to execute the sentence may delay its execution until such illness or infirmity or pregnancy has ceased:

Illness of prisoner.

Provided that, if the illness or infirmity appear to be permanent, he shall report the case to the High Court, and such Court may recall the warrant and issue another containing a sentence of such commuted punishment as it thinks fit.

267. Whenever an offender is sentenced to pay a fine, the Court which sentences him may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender, whether or not the offence be punishable with fine only, and whether or not the sentence direct that, in default of payment of the fine, the offender shall suffer imprisonment.

Levy of fine.

Such warrant may be executed within the jurisdiction of the Court that issued it, and it shall authorize the distress and sale of any moveable property belonging to the offender without the jurisdiction of the said Court when endorsed by the Magistrate of the District in which such property is situated.

263. Whenever a Criminal Court imposes a fine, the Court may order the whole or any part of the fine to be paid in compensation,

Payment of fine in compensation.

(1.) for expenses properly incurred in the prosecution,

(2.) for the offence complained of, where such offence can, in the opinion of the Court, be compensated by money.

Such payment shall be made, as the Court thinks fit, to or for the benefit of the complainant, or the person injured, or both.

If the fine be awarded by a Court whose decision is subject to revision, the amount awarded shall not be paid until a period of two months has elapsed from the date of the award.

269. In every case punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment, the Criminal Courts shall be guided by the provisions of sections 64 and 65 of the Indian Penal Code in awarding the period of imprisonment in default of payment of the fine :

Imprisonment in default of payment of fine.

Provided that, in no such case decided by a Magistrate, shall the period of imprisonment awarded in default of payment of the fine exceed one-fourth of the period of imprisonment which he is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

Proviso as to cases decided by a Magistrate.

270. When the punishment of whipping is awarded in addition to imprisonment, by a Court whose sentence is open to revision by a superior Court, the whipping shall not be inflicted until fifteen days from the date of such sentence, or if an appeal be made within that time, until the sentence is confirmed by the superior Court: but the whipping shall be inflicted immediately on the expiry of the fifteen days, or in case of an appeal immediately on the receipt of the order of the Court confirming the sentence if such order is not received within the fifteen days.

Whipping if awarded in addition to imprisonment, when to be inflicted.

271. In the case of an adult, the punishment of whipping shall be inflicted with such instrument in such mode and on such part of the person as the Local Government directs, and in the case of a juvenile offender, it shall be inflicted in the way of school discipline with a light rattan.

Mode of inflicting the punishment.

In no case, if the cat-of-nine-tails be the instrument employed, shall the punishment of whipping exceed one hundred and fifty lashes, or, if the rattan be employed, shall the punishment exceed thirty stripes.

The punishment shall be inflicted in the presence of a Justice of the Peace, or of an officer authorized to exercise any of the powers of a Magistrate, and also, unless the Court which passed the sentence otherwise orders, in the presence of a Medical Officer.

272. No sentence of whipping shall be carried into execution unless a Medical Officer, if present, certifies, or unless it appears to the Justice of the Peace or other officer present, that the offender is in a fit state of health to undergo the punishment.

Punishment not to be inflicted if offender not in fit state of health.

If during the execution of a sentence of whipping, a Medical Officer, if present, certifies, or it appears to the officer present, that the offender is not in a fit state of health to undergo the remainder of the punishment, execution shall be finally stopped.

Stay of execution.

No sentence of whipping shall be executed by instalments.

Nor by instalments.

273. In any case in which, under section 272, no part of a sentence of whipping is carried into execution, the offender shall be kept in custody till the Court which passed the sentence can revise it, and the said Court may, at its discretion, either order his discharge, or sentence him in lieu of whipping to imprisonment for any period, which may be in addition to any other punishment to which he may have been sentenced for the same offence;

Procedure if punishment cannot be inflicted under the last Section.

provided that the whole period of imprisonment shall not exceed that to which the offender is liable under the provisions of the Indian Penal Code, or that which the said Court is competent to award.

274. When a person is convicted at one time of two or more offences punishable under the same or different sections of the Indian Penal Code, the Court may sentence him for the offences of which he has been convicted to the several penalties prescribed by the said Code which such Court is competent to inflict; such penalties, when consisting of imprisonment, to commence the one after the expiration of the other.

Sentence in cases of simultaneous conviction of several offences.

It shall not be necessary for the Court, by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court;

Provided that in no case shall the person be sentenced to imprisonment for a longer period than fourteen years:

Maximum term of imprisonment.

Provided also that, if the case be tried by a Magistrate, the punishment shall not in the aggregate exceed twice the extent of punishment which he is by his ordinary jurisdiction competent to inflict.

275. When sentence is passed on an escaped convict for such escape or for any other offence, the Court may direct the sentence to take effect immediately, or after such convict has suffered imprisonment or transportation, as the case may be, for a further period equal to that which remained unexpired of his former sentence at the time of his escape.

Currency of sentence on escaped convicts.

276. When sentence is passed on a person already under sentence of imprisonment or transportation for another offence, the Court, if the sentence be for imprisonment, shall direct the such imprisonment shall commence at the expiration of the imprisonment or transportation to which such person has been previously sentenced,

Sentence on offender already sentenced for another offence.

or, if he is undergoing a sentence of imprisonment, and the sentence, on such subsequent conviction, be for transportation, the Court may direct that the sentence shall commence immediately, or after the expiration of the imprisonment to which the Court officer of person has been previously sentenced :

if it is provided that nothing in this section shall be held to excuse such person from any part of the punishment to which he is liable upon such former or subsequent conviction.

Proviso.

277. When any person is sentenced to imprisonment, the Local Government, or, subject to their orders and under their control, the Inspector General of Jails, may order his removal during the period prescribed for his imprisonment from the jail or place in which he is confined to any other jail or place of imprisonment within the jurisdiction of the same Local Government.

Local Government may order removal of a prisoner from one jail to another.

278. When any person under the age of sixteen years is sentenced by any Magistrate or Court of Session to imprisonment for any offence, such Magistrate or Court may direct that such offender, instead of being imprisoned in the criminal jail, shall be confined in any reformatory recognised by the Local Government as a fit place for confinement, in which there are means of suitable discipline and of training in some branch of useful industry, and which is kept by a person willing to obey such rules as the Government prescribes with regard to the discipline and training of persons confined therein.

Confinement of youthful offenders in reformatories.

All persons confined under this section shall be subject to the rules so prescribed by Government.

279. The Governor General of India in Council may from time to time appoint a place or places within British India to which persons sentenced to transportation shall be sent: the Local Government, or some officer duly authorized by such Government, shall give orders for the removal of such persons to the place or places so appointed; and no sentence of transportation shall specify the place to which the person sentenced is to be transported.

Governor General in Council to appoint places to which persons sentenced may be sent.

Local Government to direct removal of persons sentenced to such places.

280. When sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed for another offence, it shall not be necessary for the Local Government to order his removal from the place in which he is so undergoing transportation.

Sentence of transportation on persons already transported under previous sentence.

281. When any person is sentenced to death, the sentence shall direct that he be hanged by the neck till he is dead.

Sentence of death.

282. When any person has been sentenced to punishment for an offence, the Governor General of India in Council, or the Local Government, may, at any time, without conditions, or upon any conditions which the person sentenced accepts, remit the whole or any part of the punishment to which he has been sentenced.

Power to remit punishment.

The Governor General in Council, or the Local Government, may also, without the consent of the person sentenced, commute any one of the following sentences for any other mentioned after it, death, transportation, penal servitude, imprisonment.

Power to commute punishment.

PART VI.

EVIDENCE.

CHAPTER I.—*General Rules of Evidence.*

283. The rules contained in this chapter shall be applicable to all trials and enquiries before Criminal Courts.

Rules of evidence.

284. The Court shall receive as *primâ facie* evidence the examination of a Civil Surgeon or other medical witness taken and duly attested by the Magistrate.

Evidence of medical witness.

Provided that the Court may summon such Civil Surgeon or other medical witness, if it see sufficient cause for doing so.

285. The examination of a witness taken and attested by the Magistrate in the presence of the accused person may be given in evidence, if the witness be dead, or the Court be satisfied that for any sufficient cause his attendance cannot be procured.

Examination of witness taken by Magistrate, when admissible.

286. Any document purporting to be a report from the Chemical Examiner to Government upon any matter or thing duly submitted to him for examination or analysis and report in the course of any criminal trial or in any preliminary enquiry relating thereto, shall, if it bears his signature, be received in evidence at a trial by the Court of Session.

Report of Chemical Examiner.

No proof of such signature or that the person signing holds such office, shall be requisite, unless the Court sees reason to doubt the genuineness of the document.

287. The declaration of a deceased person, whether it be reduced to writing or not, and whether it be made in the presence of the accused person or not, may be given in evidence if the deceased person at the time of making such declaration believed himself to be in danger of approaching death, although he entertained at the time of making it hopes of recovery.

Dying declaration.

CHAPTER II.—*Evidence how taken.*

288. In all Criminal Courts, complainants and witnesses shall be examined upon oath or affirmation, or otherwise according to the provisions of the law for the time being in force in relation to the examination of witnesses.

Examination of complainants and witnesses.

289. In inquiries and trials under this Act the evidence of the witnesses shall be recorded by the Magistrate or Judge, as the case may be, in the following manner.

Manner of recording evidence.

290. In cases tried before Magistrates in which a summons usually issues, the Magistrate shall make a memorandum of the substance of the evidence of each witness, as the examination of the witness proceeds.

Memorandum of substance of evidence.

The memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record.

If the Magistrate is prevented from making a memorandum as above required, he shall record the reason of his inability to do so, and shall cause such memorandum to be made in writing from his dictation in open Court, and shall sign the same, and such memorandum shall form part of the record.

291. In all other cases whether before Magistrates or Courts of Session, the evidence of each witness shall be taken down in writing in the language in ordinary use in the District in which the Court is held, by or in the presence and hearing and under the personal direction and superintendence of the Magistrate, and shall be signed by the Magistrate.

Mode and language in which evidence to be recorded.

When the evidence of a witness is given in English, the Magistrate may take it down in that language with his own hand, and an authenticated translation of the same, in the language in ordinary use in the District in which the Court is held, shall form part of the record.

Evidence in English.

In cases in which the evidence is not taken down in writing by the Magistrate, he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes, and such memorandum shall be written and signed by the Magistrate with his own hand, and shall be annexed to the record.

Memorandum when evidence not taken down in writing.

If the Magistrate is prevented from making a memorandum as above required, he shall record the reason of his inability to do so.

292. The Local Government may direct that in any District or part of a District the evidence of complainants or witnesses shall be taken down by the Magistrate with his own hand in the vernacular language of the Magistrate, unless the Magistrate be prevented by any sufficient reason from taking down the evidence of any complainant or witness, in which case he shall record the reason of his inability to do so, and shall cause the evidence to be taken down in writing from his dictation in open Court.

Local Government may direct evidence to be recorded in vernacular language of Magistrate.

The evidence so taken down shall be signed by the Magistrate, and shall form part of the record:

Provided that, if the vernacular language of the Magistrate be not English or the language in ordinary use in the District in which the Court is held, the Local Government may direct him to take down the evidence in the English language or in the language in ordinary use in the District the Court is held, instead of his own ve[illegible]

Proviso.

293. In cases tried before Magistrates [illegible] a summons usually [illegible] Magistrate may, [illegible] fit, take down the [illegible] any witness in the manner provided in section 291, or if within the jurisdiction of such Magistrate, the Local Government has made the order referred to in section 292, in the manner provided in section 292.

Taking down evidence in cases tried upon summons.

294. The Local Government may determine what, for the purposes of this Act, shall be held to be the language in ordinary use in any District in which a Court is held.

Local Government to decide language in ordinary use.

295. The evidence shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative.

Evidence how to be recorded.

It shall be in the discretion of the Magistrate to take down, or cause to be taken down, any particular question and answer, if there appear any special reason for so doing, or any person who is a prosecutor or a person accused, or his Counsel or agent, requires it.

When the evidence is completed, it shall be read over to the witness in the presence of the accused person if in attendance, or of his agent when his personal attendance is dispensed with and he appears by agent, and shall, if necessary, be corrected.

Evidence to be read to witness.

If the witness deny the correctness of any part of the evidence when the same is read over to him, the Magistrate may, instead of correcting the evidence, make a memorandum thereon of the objection made to it by the witness, and shall add such remarks as he thinks necessary.

If the evidence be taken down in a different language from that in which it has been given, and the witness does not understand the language in which it is taken down, the witness may require his evidence as taken down to be interpreted to him in the language in which it was given, or in a language which he understands.

296. A memorandum to be signed by the Magistrate shall be attached to the evidence of every witness, whether for the prosecution or the defence, and shall state that the evidence was read over to the witness in a language which he understood (naming the language), and, if the fact is so, that the witness acknowledged such evidence to be correct.

Memorandum to be attached to evidence.

When the evidence is not taken down by the Magistrate with his own hand, the memorandum shall further state that the evidence was taken down in his presence and hearing, and under his personal direction and superintendence.

297. If the evidence is given in a language not understood by the accused person, it shall be interpreted to him in open Court in a language understood by him, in all cases where he is present in person.

Interpretation of evidence to accused or his agent.

If he appears by agent, and the evidence is given in a language other than the language in ordinary use in the District in which the Court is held, it shall be interpreted to such agent in that language.

Every Judge or Magistrate recording the evidence of a witness shall record such remarks as he thinks material respecting the demeanour of such witness whilst under examination.

Power to record remarks respecting demeanour of witness.

299. Sections 296, 297 and 298 shall not apply to evidence taken by a Magistrate in cases in which a summons usually issues, unless he thinks fit to act under section 293.

Sections 296, 297 and 298 not to apply in certain cases.

CHAPTER III.—*Of the Examination of Persons accused.*

300. In inquiries and trials before Magistrates, the Magistrate may, from time to time and at any stage of the proceedings,

Accused may be questioned.

and in trials before the Court of Session, the Court at the close of the case for the prosecution and at the close of the evidence (if any) on behalf of the accused person,

may put any questions to the accused person which the Magistrate or Court may think proper.

It shall be in the option of the accused person to answer such questions.

301. No influence, by means of any promise or threat or otherwise, shall be used to the accused person to induce him to disclose or withhold any matter within his knowledge.

No influence to be used to induce disclosures.

302. No oath or affirmation shall be administered to the accused person.

Accused not to be sworn.

303. In inquiries and trials before Magistrates, the examination of the accused person, including every question put to him and every answer given by him, shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers.

Examination of accused how recorded.

When the whole is made conformable to what he declares is the truth, the examination shall be attested by the signature of the Magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the statement made by the accused person.

304. The Magistrate of the District or other officer exercising the powers of a Magistrate, and any Subordinate Magistrate duly empowered under section 33, recording his reason for so doing, may tender a pardon to any one or more of the persons supposed to have been directly or indirectly concerned in or privy to any offence specified in column seven of the second schedule hereto annexed as triable by the Court of Session, on condition of his or their making a full, true and fair disclosure of the whole of the circumstances within his or their knowledge relative to the crime committed, and every other person concerned in the perpetration thereof.

Magistrate may tender pardon to accomplice.

Any person accepting a tender of pardon under this section, shall be examined as a witness in the case under the rules applicable to the examination of witnesses.

Such person, if not on bail, may, if the Magistrate or other officer as aforesaid thinks proper, be detained in custody pending the termination of the trial.

305. The High Court as a Court of reference, in cases tried with the aid of assessors, and the Court of Session, after committal but before the commencement of a trial, may, with the view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in or privy to any such offence, instruct the Magistrate to tender a pardon on the same condition to such person or persons.

High Court or Court of Session may direct tender of pardon.

The Court of Session in like manner and on the same condition may, at any time during a trial, with the view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in or privy to any such offence, tender a pardon to such person or persons.

306. When a pardon has been tendered under section 304 or section 305, if it appears to the Magistrate before the committal, or to the Court of Session at the time of trial, or to the High Court as a Court of reference, that any person who has accepted an offer of pardon has not conformed to the conditions under which the pardon was tendered, either by wilfully concealing anything essential, or by giving false evidence or information, such Magistrate or Court may commit or direct the commitment of such person for trial for the offence in respect of which the pardon was so tendered.

When High Court or Court of Session may direct commitment of person to whom pardon has been tendered.

CHAPTER IV.—*Of securing the Attendance of Witnesses.*

307. The following procedure shall be pursued in order to obtain the attendance of witnesses in cases in which a person accused or suspected of crime is brought or appears before a Magistrate.

Procedure for obtaining attendance of witnesses.

308. In cases usually tried before a Magistrate upon summons, the Magistrate may summon any person who appears to him likely to give material evidence on behalf of the complainant or the accused.

In cases tried upon summons.

309. In cases usually tried before a Magistrate upon warrant, the Magistrate shall ascertain from the complainant or otherwise the names of any persons who may be acquainted with the facts and circumstances of the case, and are likely to give evidence for the prosecution, and summon them before him to give evidence.

In cases tried upon warrant.

The Magistrate shall also summon any witness and examine any evidence that may be offered in behalf of the accused person to answer or disprove the evidence against him, and may for that purpose, at his discretion, adjourn the trial from time to time.

310. In inquiries preliminary to commitment to a Court of Session, the Magistrate shall procure the attendance of witnesses for the prosecution as in cases usually tried upon

In inquiries preliminary to commitment to Court of Session.

warrant, and it shall be in his discretion to summon any witness offered in behalf of the accused person to answer or disprove the evidence against him.

311. In such inquiries, when the person accused is to be committed for trial and has given in the list of witnesses mentioned in section 309, the Magistrate shall summon the witnesses to appear before the Court before which the accused person is to be tried.

When accused person is to be committed.

312. If the Magistrate thinks that any witness is included in the list for the purpose of vexation or delay or of defeating the ends of justice, he may require the accused person to satisfy him that there are reasonable grounds for believing that such witness is material.

Refusal to summon unnecessary witness, unless deposit made.

If the Magistrate be not so satisfied, he shall not be bound to summon the witness, unless such a sum is deposited with the Magistrate as he thinks necessary to defray the expense of obtaining the attendance of the witness.

313. The accused person shall be allowed to examine any witness not previously named by him if such witness be in attendance, but he shall not be entitled of right to have any witness summoned other than the witnesses named in the list delivered to the Magistrate by whom he was committed or held to bail for trial, except as provided in section 402.

Witness for defence.

314. Any Court or Magistrate may at any stage of any inquiry or trial summon or examine any witness whose evidence appears essential to the just decision of the case, or examine any person in attendance though not summoned as a witness.

Power to summon material witness or examine person present.

315. If the Magistrate has reason to believe that any witness whose attendance is required will not attend to give evidence without being compelled to do so, he may, instead of issuing a summons, issue his warrant of arrest in the first instance.

Issue of warrant of arrest in first instance.

316. If the warrant cannot be served, and the Magistrate is satisfied that the witness absconds or conceals himself for the purpose of avoiding the service thereof, he may issue a proclamation, requiring the attendance of such witness to give evidence at a time and place to be named therein, to be affixed on some conspicuous part of his ordinary place of abode.

Procedure when warrant cannot be served.

If the witness does not attend at the time and place named in such proclamation, the Magistrate may order the attachment of any moveable property belonging to such witness to such amount as he deems reasonable, not being in excess of the amount of costs of attachment and of any fine to which the witness may be liable under the provisions of the following section.

Such order shall not authorize the attachment of any property out of the jurisdiction of the Magistrate by whom it is made, but it shall authorize the attachment of property in the jurisdiction of any Magistrate by whom such order is endorsed.

317. If the witness appears and satisfies the Magistrate that he did not abscond or conceal himself for the purpose of avoiding the service of the warrant, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Magistrate shall direct that the property be released from attachment, and shall make such order in regard to the costs of the attachment as he thinks fit.

Release of attached property of witness appearing and satisfying Magistrate.

If such witness does not appear, or appearing, fails to satisfy the Magistrate that he did not abscond or conceal himself for the purpose of avoiding the service of the warrant, and that he had not such notice of the proclamation as aforesaid, the Magistrate may order the property attached, or any part thereof, to be sold for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of any fine which he may impose upon such witness under the provisions of section 172 of the Indian Penal Code.

Sale of property of witness not appearing or satisfying Magistrate.

If the witness pays to the Magistrate the costs and fine as aforesaid, the Magistrate shall order the property to be released from attachment.

318. If any person summoned to give evidence neglects or refuses to appear at the time and place appointed by the summons, and no valid excuse is offered for such neglect or refusal, the Magistrate, upon proof of the summons having been duly served, may issue a warrant under his hand and seal, to bring such person before him to testify as aforesaid.

Arrest of person disobeying summons.

319. If any person summoned or brought before a Magistrate refuses to answer such questions as are put to him, without offering any valid excuse for such refusal, the Magistrate may, by warrant under his hand and seal, commit him to custody for any term not exceeding seven days, unless in the meantime he consents to be examined and to answer, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of section 387.

Committal of person refusing to answer.

320. If any witness before a Court of Session refuses to answer any question which shall be put to him, and does not offer any just excuse for such refusal, the Court may commit him to custody for such reasonable time as it deems proper, unless in the meantime he consents to be examined and to answer.

Committal of witness refusing to answer.

In the event of his persisting in his refusal, he may be dealt with according to the provisions of section 387.

321. Prosecutors and witnesses for the prosecution, whose attendance may be necessary before the Court of Session, shall execute before the Magistrate recognizances in the Form (E) given in the appendix, or to the like effect, to be in attendance when called upon at the Court of Session, to prosecute or to give evidence, as the case may be.

Recognizances of prosecutors and witnesses.

If any prosecutor or witness refuses to attend before the Court of Session or to execute

officer of the Court with the recognizance above directed, the Magistrate may detain him in custody, until he executes the recognizance, or until the time when his attendance at the Court of Session is required, when the Magistrate shall send him under custody to the Court of Session.

CHAPTER V.—*Of Search-Warrants.*

322. When a Magistrate considers that the production of anything is essential to the conduct of an enquiry into an offence known or suspected to have been committed, or when he considers that such enquiry will be furthered by the search or inspection of any house or place, he may grant his search-warrant, and the officer charged with the execution of such warrant may search any house or place within such Magistrate's jurisdiction.

Search-warrant, when grantable.

The Magistrate may, if he see fit, specify in his warrant the house or place, or part thereof, to which only the search or inspection shall extend, and the officer charged with the execution of such warrant shall then search only the house, place or part so specified.

323. A search-warrant shall ordinarily be directed to a Police officer, but the Magistrate issuing the warrant may, if he see fit, direct it to any other person.

Direction of search-warrant.

324. A search-warrant directed to an officer in charge of a Police-station may, if he is not able to proceed in person, be executed by any officer subordinate to him.

Warrant to Police officer may be executed by his subordinate.

In such case the name of such subordinate officer shall be endorsed upon the warrant by the officer to whom it is directed.

Endorsement.

325. When it is necessary for a search-warrant to be executed out of the jurisdiction of the Magistrate issuing the warrant, the Magistrate within whose jurisdiction the warrant is to be executed shall endorse his name thereon.

Execution of search-warrant out of jurisdiction of Magistrate issuing it.

Such endorsement shall be sufficient authority for the Police officer charged with the execution of the warrant to execute the same within the same jurisdiction.

Or the search-warrant may be directed to the Magistrate within whose jurisdiction the search is to be made, and he shall thereupon endorse his name on such warrant and enforce its execution in the same manner as if it had been issued by himself.

326. Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate in whose District the warrant is to be executed will prevent the discovery of the thing for which search is to be made, the Police officer charged with the execution of the warrant may execute the same in any place beyond the jurisdiction of the Magistrate by whom it was issued without the endorsement of the Magistrate in whose jurisdiction that place is situate.

Search-warrants may in emergency be executed without endorsement.

If the thing for which search is made is found in such place, it shall be immediately taken before the Magistrate in whose jurisdiction it is found, and, unless there be good cause to the contrary, he shall make an order authorizing it to be taken to the Magistrate who issued the warrant.

Thing found to be taken to Magistrate within whose jurisdiction it is found.

Order thereon.

327. If the thing searched for be found within the local limits of a High Court, it shall be taken to the Chief Commissioner of Police or to a Police Magistrate, who shall act in the manner prescribed in section 326.

Procedure in such cases within local limits of High Court.

328. Whenever it appears necessary, a Magistrate may, by the warrant, order search to be made in a place out of his jurisdiction, and may direct that the warrant be executed either after or without obtaining the endorsement of the Magistrate within whose jurisdiction the search is to be made.

Magistrate may issue search-warrant to be executed in jurisdiction of another Magistrate.

When a Magistrate issues a warrant under this section, he shall inform the Magistrate within whose jurisdiction the house or place to be searched is situate, or if the house or place be situate within the local limits of any High Court, he shall inform the Chief Commissioner of Police, of the issue of such warrant.

329. A Magistrate issuing a search-warrant to be executed in any house or place out of the jurisdiction of the Magistrate of the District, may direct the warrant to any Magistrate within whose jurisdiction such house or place is situate, and may send the same by post.

Magistrate may send search-warrant by post to Magistrate of another District.

On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name thereon and enforce its execution in the same manner as if it had been originally issued by himself.

Endorsement and execution by such Magistrate.

If the warrant is to be executed within the local limits of the High Court, it shall be addressed to the Commissioner of Police or to a Police Magistrate.

Direction of warrant to be executed in local limits of High Court.

In such case any property found on search made may be dealt with as provided in sections 326 and 327.

330. If the Magistrate of the District or a Magistrate in charge of a division of a District, or any other officer exercising the powers of a Magistrate, upon information and after such enquiry as he thinks necessary, has reason to believe that any house or other place is used as a place for the deposit or sale of stolen property,

Search of house suspected to contain stolen property or forged documents.

or for the deposit or sale or manufacture of forged documents, or counterfeit Government stamps, or counterfeit coin, or instruments or materials for counterfeiting coin or for forging,

or that any forged documents, or counterfeit stamps, or false seals, or any counterfeit coin, or instruments or materials used for counterfeiting

coin, or for forging, are kept or deposited in any house or other place,

he may by his warrant authorize any Police officer above the rank of a constable to enter, with such assistance as may be required, and by force if necessary, any such house or other place, and to search all such parts of the same as are specified in the warrant, and to seize and take possession of any property, documents, stamps, seals, or coins therein found, which he may reasonably suspect to be stolen, forged, false, or counterfeit, and also of any such instruments and materials as aforesaid.

Magistrate may attend personally.

381. The Magistrate by whom a search-warrant is issued may attend personally for the purpose of seeing that the warrant is duly executed.

Magistrate may direct search in his presence.

The Magistrate may also direct a search to be made in his presence, of any house or place for the search of which he is competent to issue a search-warrant.

Search by officer in charge of Police-station.

332. Whenever an officer in charge of a Police-station considers that the production of anything is necessary to the conduct of an enquiry into any offence which he is authorized to investigate, he may search or cause search to be made for the same, in any house or place within the limits of such station.

In such case, the officer in charge of the Police-station shall, if practicable, conduct the search in person.

If unable to conduct the search in person, and there is no other person competent to make the search present at the time, the officer in charge of the Police-station may require any officer subordinate to him to make the search, and he shall deliver to such officer an order in writing, specifying the property for which search is to be made and the house or place to be searched, and the subordinate officer may thereupon search for such property in such house or place.

The provisions of sections 335 to 338 (both inclusive), relating to search-warrants, shall be applicable to a search under this section made by or under the direction of an officer in charge of a Police-station.

When officer of Police-station may require another to issue search-warrant.

333. An officer in charge of a Police-station may require an officer in charge of another Police-station, whether subordinate to the same Magistrate as himself or to a Magistrate of another District, to cause a search to be made in any house or place in any case in which the former officer might cause such search to be made within the limits of his own station.

Inspection of weights and measures.

334. An officer in charge of a Police-station may, without a warrant, enter any shop or premises within the limits of such station for the purpose of inspecting or searching for any weights or measures or instruments for weighing used or kept therein, whenever he has reason to believe that there are in such shop or premises any weights, measures, or instruments for weighing which are false.

If he finds in such shop or prem[ises] weights, measures, or instruments that are [false] may seize the same, and shall forthwith [give] formation of such seizure to the Magistra[te hav]ing jurisdiction.

Persons in charge of closed house to allow search.

335. If the house or place to be searched is closed, it shall be the duty of any person residing in or being in charge of such house or place, on demand of the officer or other person executing the warrant, to allow such officer or other person free ingress thereto, and to afford all reasonable facilities for a search therein.

Place to be searched may be broken open.

336. A Police officer, or other person authorized by a warrant to search any house or place, may break open any outer or inner door or window of the house or place, in order to execute the warrant, if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking of zenána.

337. If the place ordered to be searched is an apartment in the actual occupancy of a woman who, according to the customs of the country, does not appear in public, the officer or other person charged with the execution of the warrant shall give notice to such woman in such apartment, not being a woman against whom a warrant of arrest has been issued, that she is at liberty to withdraw.

After giving such notice and allowing a reasonable time for the woman to withdraw, and affording her every reasonable facility for withdrawing, he may enter such apartment for the purpose of completing the search, using at the same time every precaution consistent with these provisions for preventing the clandestine removal of property.

Search to be made in presence of witnesses.

338. The search of any house or place under this chapter shall be made in the presence of two or more respectable inhabitants of the place in which the house or place searched is situate, but they shall not be required to attend the Court of the Magistrate as witnesses, unless specially summoned by him.

Occupant of place searched may attend.

The occupant of the house or place or some person in his behalf shall, in every instance, be permitted to attend during the search.

Mode of searching women.

339. Whenever it is necessary to cause a woman to be searched, the search shall be conducted with strict regard to the habits and customs of the country.

PART VII.

PROCEDURE INCIDENTAL TO INQUIRY AND TRIAL.

CHAPTER I.—*Bail.*

When bail shall be taken.

340. When any person appears or is brought before a Magistrate accused of any of the offences specified as bailable in column five of the second schedule hereto annexed, he shall be admitted to bail.

officer of t[he] the Court

When not to be taken in certain offences.

When any person appears or is brought before a Magistrate accused of any offence entered as not bailable in column five of the second schedule hereto annexed, such person shall not be admitted to bail, if there appear reasonable grounds for believing that he has been guilty of the crime imputed to him.

When bail may be taken.

If the evidence given in support of the accusation is, in the opinion of the Magistrate, not such as to raise a strong presumption of the guilt of the accused person and to require his committal,

or if such evidence is adduced on behalf of the accused person as, in the opinion of the Magistrate, weakens the presumption of his guilt, but there appears to the Magistrate in either of such cases to be sufficient ground for further enquiry into his guilt,

the accused person shall be admitted to bail pending such enquiry.

Power to direct admission to bail.

342. The Court of Session may direct that any accused person shall be admitted to bail, or that the bail required by a Magistrate be reduced.

Recognizance of accused and sureties.

343. When a Magistrate admits to bail any person accused or suspected of any offence, a recognizance in such sum of money as the Magistrate thinks sufficient, shall be entered into by the person so accused and one or more sureties, conditioned that such person shall attend during the preliminary enquiry, and, if required, shall appear when called upon at the Court of Session to answer the charge.

Insufficient bail.

344. If through mistake or fraud insufficient bail has been taken, or if the sureties become afterwards insufficient, the accused person may be ordered by the Magistrate to find sufficient sureties, and, in default, may be committed to prison.

Bail may be taken at any time before conviction.

345. If the accused person cannot find sureties when called upon, he shall be admitted to bail upon finding the same at any time afterwards before conviction.

Discharge on bail.

346. After the recognizances have been duly entered into, the Magistrate, in case the accused person has appeared voluntarily or is in the custody of some officer, shall thereupon discharge him; and in case he is in some prison or other place of confinement, shall issue a warrant of discharge to the jailor or other person having him in his custody, and such jailor or other person shall thereupon liberate him.

Discharge of sureties.

347. The sureties for an accused person may, at any time, apply to the Magistrate to be discharged from their engagements.

On such an application being made, the Magistrate shall issue his warrant of arrest, directing that such person be brought before him.

On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the recognizances of the sureties to be discharged, and shall call upon such person to find other sureties, and, in default, may order him to be committed to prison.

Procedure to compel payment of penalty by accused.

348. Whenever, by reason of default of appearance of the person executing the personal recognizance, the Magistrate is of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance, he shall proceed to enforce the penalty by the attachment and sale of the moveable property belonging to such person, which may be found within the jurisdiction of the Magistrate of the District.

Procedure to compel payment of penalty by sureties.

349. Whenever, by reason of default of appearance by the person bailed, the Magistrate is of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance of the surety or sureties, he shall give notice to the surety or sureties to pay the same, or to show cause why it should not be paid.

If no sufficient cause be shown, the Magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any moveable property belonging to him or them which may be found within the jurisdiction of the Magistrate of the District.

If the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the Magistrate, in the Civil jail, during a period not exceeding six months.

In what cases the powers given by sections 284 and 285 may be exercised.

350. The powers given by sections 348 and 349 may be exercised by every Criminal Court in every case in which a personal recognizance or bail has been given for the appearance of a party or witness, if default is made by the non-appearance of such party or witness before such Court according to the conditions of such recognizance or bail:

Remission of part of penalty.

Provided that the Magistrate or Court may, at his or its discretion, remit any portion of the penalty mentioned in the personal recognizance or in the recognizance of the surety or sureties, and enforce payment in part only:

Revision of orders.

All orders passed by any Magistrate under this section or section 348 or 349 shall be subject to revision by the Magistrate of the District.

Deposit may be made instead of bail.

351. When any person is required by any Criminal Court to give bail, such Court may permit such person to deposit a sum of money or Government promissory notes to such amount as it may fix in lieu of such bail.

CHAPTER II.—*Formation of Lists of Jurors and Assessors and their Attendance.*

List of jurors and assessors.

352. The Collector of the District or such other officer as the Local Government from time to time appoints in this behalf, shall prepare and make out in alphabetical order a list of persons residing within ten miles from the place where trials before the Court of Session are held, or within such other distance as the Local Government thinks fit to direct, who are in the judgment

of the Collector or other officer as aforesaid qualified from their education and character to serve as jurors or as assessors, respectively.

The list shall contain the name, place of abode, and quality or business of every such person; and if the person is a European or an American, the list shall mention the race to which he belongs.

353. Copies of such list shall be stuck up in the office of the Collector or other officer as aforesaid and in the Court-houses of the Magistrate of the District and of the Chief Civil Court, and in some conspicuous place in the town or towns near or in the vicinity of which the persons named in the list reside.

Publication of list.

To every such copy shall be subjoined a notice, stating that objections to the list will be heard and determined by the Collector or other officer as aforesaid at a time and place to be mentioned in the notice.

354. The Collector or other officer as aforesaid shall, at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not qualified in his judgment to serve as a juror or as an assessor, or who may avail himself of the exemption from service given by section 358, and insert the name of any person omitted from the list whom he deems qualified for such service.

Revision of list.

A copy of the revised list shall be signed by the Collector or other officer as aforesaid and sent to the Court of Session.

Any order of the Collector or other officer as aforesaid in preparing and revising the list shall be final.

355. The list so prepared and revised shall be again revised at least once in every year.

Annual revision of list.

The list so revised shall be deemed a new list and shall be subject to all the rules hereinbefore contained as to the list originally prepared.

356. All male persons between the ages of twenty-one and sixty, resident within the local limits of the jurisdiction of the Court of Session, except those hereinafter mentioned, shall be deemed capable of serving as jurors and assessors, and shall be liable to be summoned accordingly.

Jurors and assessors.

357. The following persons are incapable of serving as jurors or as assessors in trials before the Court of Session, namely:—

Disqualifications.

Persons who hold any office in or under the said Court.

Persons executing any duties of Police or entrusted with any Police functions.

Persons who have been convicted of any offence against the State, or of any fraudulent or other offence which, in the judgment of the Collector, renders them unfit to serve on the jury.

Persons afflicted with any infirmity of body or mind, sufficient to incapacitate them from serving.

Persons who, by habit or religious vows, have relinquished all care of worldly affairs.

358. The following persons are exempt from the liability to serve as jurors or as assessors, namely:—

Exemptions.

Judges and other judicial officers.

Commissioners and Collectors of Revenue Customs.

All persons engaged in the Preventive Service in the Customs Department.

All persons engaged in the collection of the revenue whom the Collector thinks fit to exempt on the ground of official duty.

Chaplains and others employed in religious offices.

All persons in the Military service.

Surgeons and others who openly and constantly practise in the profession of Physic.

Persons employed in the Post Office and Electric Telegraph Departments.

Persons actually officiating as priests in their respective religions.

Persons exempted by Government from personal appearance in Court under the provisions of the Code of Civil Procedure, section 22.

Person exempted is not bound to avail himself of his right of exemption.

The exemption from service given by this section is a right of which each person exempted may avail himself or not.

Nothing herein contained shall be construed to disqualify any such person, if he is willing to serve as a juror or as an assessor.

359. The Court of Session shall ordinarily, three days at the least before the time fixed for the holding of sessions, cause the Magistrate to summon as many persons named in the said revised list as seem to the Court to be needed for trials by jury and trials with the aid of assessors at the said sessions, the number to be summoned not being less than double the number required for any case about to be tried at such sessions.

Court to summon jurors.

The names of the persons to be summoned shall be drawn by lot in open Court, excluding those on the revised list who have served within six months, unless the number cannot be made up without them, and shall be specified in the precept to the Magistrate.

360. Every summons to a juror or assessor shall be in writing, and shall require his attendance as a juror or assessor at a time and place to be therein specified.

Form and service of summons.

The summons or a copy thereof shall be served on every juror or assessor personally.

If the juror or assessor summoned be absent from his usual place of abode, the summons may be left for him there with some adult male member of his family residing with him.

361. The Court of Session may direct jurors or assessors to be summoned at other periods than the period specified in section 359, when the number of trials before the Court renders the attendance of one set of jurors or assessors for a whole session oppressive, or whenever it is found to be necessary.

Power to summon another set of jurors or assessors.

362. If any person summoned to serve as a juror or assessor be in the service of Government, the summons shall be sent to him through the head

Service of summons on officer of Government.

officer of the office in which he is employed, and the Court may excuse the attendance of such person, if it appear, on the representation of such head officer, that the person summoned cannot serve as a juror or assessor without inconvenience to the public service.

363. The Court of Session may excuse any juror or assessor from attendance for reasonable cause.

Court may excuse attendance of juror or assessor.

364. At each session the Court shall cause to be made a list of the names of those who serve as jurors or assessors at such session.

List of jurors or assessors attending.

The list shall be kept with the revised list of the jurors and assessors prepared under section 354.

A reference shall be made in the margin of the said revised list to each of the names which are mentioned in the list prepared under this section.

365. Any person summoned to attend as a juror or as an assessor who, without lawful excuse, fails to attend as required by the summons, or having attended, departs without having obtained the permission of the Court, or fails to attend after an adjournment of the Court after being ordered to attend, shall be liable by order of the Court of Session to a fine not exceeding one hundred rupees.

Penalty for non-attendance of juror or assessor.

Such fine shall be levied by the Magistrate of the District by attachment and sale of any moveable property belonging to such juror or assessor within the jurisdiction of the Court making the order.

In default of recovery of the fine by such attachment and sale, such juror or assessor may be imprisoned in the civil jail for the space of fifteen days if the fine be not sooner paid.

CHAPTER III.—*Miscellaneous Provisions.*

366. The seizure by any Police officer of property alleged or suspected to have been stolen, or of property seized by any Police officer under circumstances which create suspicion of the committal of any offence, shall be forthwith reported to a Magistrate, who shall thereupon make such order respecting the custody and production of the property as he thinks proper.

Procedure by Police upon seizure of stolen property.

If the property is of a perishable nature, or if it appear to the Magistrate that its sale would be for the benefit of the owner, he may at any time direct it to be sold, and shall hold the proceeds in trust for the owner subject to the provisions contained in sections 367 and 368:

Sale of perishable property.

Provided that no Subordinate Magistrate of the Second Class shall exercise this power unless he is generally or specially authorized to do so by the Magistrate of the District.

367. When the owner of any such property is unknown, the Magistrate may detain the same, or the proceeds thereof if sold, and, in case of such detention, shall issue a proclamation specifying the articles of which such property consists or consisted, and requiring any person who may have a claim thereto or to the proceeds thereof to appear before him and establish his claim within six months from the date of such proclamation.

Procedure where owner of property seized unknown.

368. If no person within such period establishes his claim to such property or proceeds, and if the person in whose possession such property was found is unable to show that it was legally acquired by him, the property shall be at the disposal of the Government, and may be sold under the orders of the Magistrate of the District, or, if it has been already sold by the Magistrate, the proceeds shall be at the disposal of the Government.

Procedure if no claimant appear within six months.

369. When the trial in any Criminal Court is concluded, the Court at the time of passing judgment may make such order as appears right for the disposal of any property produced before it regarding which any offence appears to have been committed.

Order for disposal of property regarding which offence committed.

370. Any Court of appeal, reference or revision may direct any such order passed by a Court subordinate thereto to be stayed, and may modify, alter or annul it.

Stay of such order.

371. The order passed by any Court under section 369 or 370 may be in the form of a reference of the property to the Magistrate of the District, who shall in such cases deal with it as if the property had been seized by the Police and the seizure had been reported to him in the manner hereinbefore mentioned.

Order may take form of reference to Magistrate of District.

372. Every warrant for the commitment of a person to custody shall be in writing and signed and sealed by the Judge or Magistrate who issues it, and shall be directed to some jailor or other officer or person having authority to receive and keep prisoners, and shall be in the Form (C) given in the appendix to this Act or to the like effect.

Form and direction of warrant of commitment.

373. The warrant of commitment shall be lodged with the jailor, if he be in the jail; and if he be not in the jail, with his deputy.

Warrant with whom to be lodged.

If the jailor has no deputy, the warrant may be lodged with any officer of the jail then being in the jail.

374. Subject to any rules that may be passed by the Local Government with the previous sanction of the Governor General of India in Council, the Criminal Courts may order payment on the part of Government of the reasonable expenses of any complainant or witness attending for the purpose of any trial before such Court under this Act.

Expenses of complainant and witnesses.

375. When the services of an interpreter are required by any Criminal Court for the interpretation of any evidence or statement, he shall be sworn in the manner provided for witnesses by any law for the time being in force, to interpret truly such evidence or statement, and he shall be bound to state the truth in his interpretation of such evidence or statement.

Interpreter to be sworn.

PART VIII.

EXCEPTIONAL INCIDENTS.

CHAPTER I.—*Lunatics.*

376. When any person charged with an offence appears to the Magistrate having jurisdiction to be of unsound mind and incapable, in consequence, of making a defence, the Magistrate shall institute an inquiry to ascertain the fact of such unsoundness of mind, and shall cause the accused person to be examined by the Civil Surgeon of the District, or some other medical officer, and thereupon shall examine such Civil Surgeon or other medical officer, and shall reduce the examination into writing.

Procedure in case of accused being lunatic.

If the Magistrate is of opinion that the accused person is of unsound mind, he shall stay further proceedings in the case.

377. When, from the evidence given before a Magistrate, there appears to be sufficient ground for believing that the accused person committed an act which, if he had been of sound mind, would have been an offence triable exclusively by the Court of Session, and that he was at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act charged or that he was doing what was wrong or contrary to law, he shall be sent for trial by the Magistrate before the Court of Session:

When accused appears to have been insane.

If the Magistrate is a Justice of the Peace and the accused person is a European British subject, the Magistrate shall follow the procedure prescribed in the second paragraph of section 176.

378. If any person committed for trial before a Court of Session, shall at his trial appear to the Court to be of unsound mind and incapable of making his defence, the Court shall in the first instance try the fact of such unsoundness of mind, and if satisfied of the fact, shall give a special judgment that the accused person is of unsound mind and incapable of making his defence, and thereupon the trial shall be postponed.

Procedure in case of person committed before a Court of Session being lunatic.

379. Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Magistrate or Court of Session, as the case may be, if the offence be bailable, may release such person on sufficient security being given that he shall be properly taken care of, and shall be prevented from doing injury to himself or to any other person, and for his appearance when required.

Release of lunatic pending investigation or trial.

If the offence be not bailable, or if the required bail be not given, the accused person shall be kept in safe custody in such place as the Local Government to which the case shall be reported shall direct.

Custody of lunatic.

380. Whenever any investigation or trial of a case is postponed under section 376 or section 378, the Magistrate or Court of Session, as the case may be, may at any time resume the investigation or trial, and require the accused person, if detained in custody, to be brought before such Magistrate or Court, or if the accused person has been released on security, may require his appearance.

Resumption of investigation or trial.

Until such investigation or trial is completed, the case shall be considered as pending before the Magistrate or Court of Session, and shall be included in any register of pending cases kept by such Magistrate or Court.

The surety of such person shall be bound at any time to produce him to any officer whom the Magistrate or Court of Session appoints to inspect him, and the certificate of such officer shall have the same effect as the certificate of an Inspector General of Jails or the visitors of Lunatic Asylums, granted under section 384.

381. If, when the accused person appears or is again brought before the Magistrate or the Court of Session, as the case may be, it appears to such Magistrate or Court that the accused person is in a fit state of mind to make his defence, the investigation shall proceed, or the accused person shall be put on his trial, as the case may require.

Procedure on accused appearing before Magistrate or Court of Session.

If it appears that the accused person is still of unsound mind, and incapable of making his defence, the Magistrate or Court of Session shall again act according to the provisions of section 376 or section 378.

382. Whenever any person is acquitted upon the ground that, at the time at which he is charged to have committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act charged or that he was doing what was wrong or contrary to law, the finding shall state specially whether he committed the act or not.

Finding in case of acquittal on ground of being lunatic.

383. Whenever such finding states that the accused person committed the act charged, the Magistrate or Court of Session before whom the trial was held shall, if the act charged would, but for the incapacity found, have amounted to an offence, order such person to be kept in safe custody, in such place and manner as to the Magistrate or Court of Session seems fit, and shall report the case for the order of the Local Government.

Person so acquitted to be kept in safe custody.

The Local Government may order such person to be kept in safe custody in a Lunatic Asylum or other suitable place of safe custody.

384. *Clause* 1.—When any person is confined under the provisions of section 379 or section 383, the Inspector General of Jails, if such person is confined in a jail, or the visitors of the Lunatic Asylums or any two of them, if he is confined in a Lunatic Asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every three months by such Inspector General or by two of such visitors as aforesaid, who shall make a special report to the Local Government as to his state of mind.

Lunatic prisoners to be visited by Inspector General.

Clause 2.—If such person is confined under section 379, and such Inspector General or visitors as aforesaid shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Magistrate or Court of Session, as the case may be, at such time as such Magistrate or Court of Session appoints; and such Magistrate or Court shall deal with such person under the provisions of section 381, and the certificate of such officer or visitors as aforesaid shall be receivable as evidence.

Procedure where lunatic prisoner is reported capable of making his defence.

Clause 3.—If such person is confined under the provisions of section 383, and such Inspector General or visitors as aforesaid shall certify that in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Local Government shall thereupon either order his discharge or order him to be transferred to a public Lunatic Asylum if he has not been already sent to such an Asylum, and shall appoint a commission, consisting of a judicial officer not below the grade of a Sessions Judge, and two medical officers, whereof the chief medical officer attached to the Lunatic Asylum shall be one.

Procedure where lunatic confined under section 357 is declared capable of being discharged.

The said commission shall make formal enquiry into the state of mind of such person, taking such evidence as is necessary; and if they consider that he can be set at liberty without danger to himself or to any other person, he shall be discharged.

385. Whenever it appears to the Local Government that any person imprisoned by the sentence of any Court or Magistrate is of unsound mind, the Local Government, by an order setting forth the grounds of belief that such prisoner is of unsound mind, may direct his removal to a Lunatic Asylum, there to be kept and treated as the Local Government directs during the remainder of the term of imprisonment ordered by the sentence: or if a medical officer certifies that it is necessary for the safety of the prisoner or others that he should be detained under care and treatment, then until he shall be discharged according to law.

Prisoner appearing to be insane, may be removed to Lunatic Asylum.

When it appears to the Local Government that such person has become of sound mind, the Local Government, by an order directed to the person having charge of him, shall remand him to the custody from which he was removed, if then still liable to be kept in custody, or, if not, shall order him to be discharged out of custody.

Remand or discharge of lunatic becoming sane.

The provisions of section IX of Act No. XXXVI of 1858 *(relating to Lunatic Asylums)* shall apply to persons confined in a Lunatic Asylum under this section after the expiration of the imprisonment ordered by the sentence.

The time during which a person is confined in a Lunatic Asylum shall be reckoned as part of the term of imprisonment ordered by the sentence.

386. Whenever any relative or friend of any person detained under the provisions of section 383 is desirous that he shall be delivered over to his care and custody, the Local Government, upon the application of such relative or friend and on his giving security to the satisfaction of such Government that the person detained shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may make an order that the person so detained may be delivered to such relative or friend.

Delivery of lunatic to care of relative.

Whenever such person is so delivered over, it shall be upon condition that he shall be subject to the inspection of such officer as the Local Government thinks necessary to appoint, and at such times as such Government directs.

The provisions of section 384 shall apply to persons detained under the provisions of this section, and the certificate of the inspecting officer appointed under this section shall have the same effect as a certificate of the officer in charge of the jail, or the Visitors of Lunatic Asylums under the said section.

CHAPTER II.—*Contempts.*

387. When any such offence as is described in section 175, 178, 179, 180 or 228 of the Indian Penal Code, is committed in the view or presence of any Civil, Criminal, or Revenue Court, the Court may cause the offender, whether he be a European British subject or not, to be detained in custody; and, at any time before the rising of the Court on the same day, may take cognizance of the offence; and adjudge the offender to punishment by fine not exceeding two hundred rupees, or by imprisonment in the civil jail for a period not exceeding one month, unless such fine be sooner paid.

Procedure in certain cases of contempt.

In every such case the Court shall record the facts constituting the contempt, with any statement the offender may make, as well as the finding and sentence.

If the Court, in any case, considers that a person accused of any offence above referred to should be imprisoned, or that a fine exceeding two hundred rupees should be imposed upon him, such Court, after recording the facts constituting the contempt, and the statement of the accused person as before provided, shall forward the case to a Magistrate, or, if the accused person be a European British subject, to a Justice of the Peace, and shall cause bail to be taken for the appearance of such accused person before such Magistrate or Justice of the Peace, or, if sufficient bail be not tendered, shall cause the accused person to be forwarded under custody to such Magistrate or Justice of the Peace.

If the case be forwarded to a Magistrate, he shall proceed to try the accused person in the manner provided by this Act for trials before a Magistrate, and such Magistrate may adjudge the offender to punishment, as provided in the section of the Indian Penal Code under which he is charged.

If the case be forwarded to a Justice of the Peace, he shall enquire into the circumstances, and shall have the same powers of punishing the offender as are vested by section 47 in a Justice of the Peace, and may deal with the offender in the same manner as is provided in that behalf in the said section.

If such Justice of the Peace considers the offence to require a more severe punishment than he is competent to award under the said section, he may commit the offender to the High Court.

In no case tried under this section shall any Magistrate adjudge imprisonment or a fine exceeding two hundred rupees for any contempt committed in his own presence against his own Court.

388. When any Court has adjudged an offender to punishment, or forwarded him to a Magistrate or Justice of the Peace for trial for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may discharge the offender, or remit the punishment, on his submission to the order or requisition of such Court, or on apology being made to its satisfaction.

Discharge of offender on submission or apology.

389. When any such offence as is described in chapter X of the Indian Penal Code, except sections 175, 178, 179 and 180, is committed in contempt of the lawful authority of any Civil, Criminal, or Revenue Court, by a European British subject, such offence shall be cognizable only by a Magistrate who is a Justice of the Peace, and such Magistrate shall have the same powers of punishment for such offence as are vested by section 47 in a Justice of the Peace, and may deal with the offender on conviction in the same manner as is provided in that behalf in the same section.

Procedure when offender is a European British subject.

If such Magistrate considers the offence to require a more severe punishment than a Justice of the Peace is competent to award under the same section, he may commit the offender to the High Court.

PART IX.

PLEADING IN CRIMINAL CASES.

CHAPTER I.—*Of the Charge.*

390. The charge shall describe the imputed offence as nearly as possible in the language of the Indian Penal Code, and shall refer to the section under which such offence is punishable.

Offence how described.

391. Every charge shall be understood to assume, and no charge shall allege, the absence of circumstances showing that the case does not come within any of the general exceptions contained in chapter IV of the Indian Penal Code.

Assumption of absence of general exceptions under Penal Code.

392. The burden of proving the existence of such circumstances shall be upon the person accused.

Evidence as to general exceptions.

393. When the section referred to in the charge contains an exception not being one of such General Exceptions, the charge shall not be understood to assume the absence of circumstances constituting such exception so contained in the section, without a distinct denial of the existence of such circumstances.

Special ground of exception from absence of circumstances not to be assumed.

394. The charge may contain one or more heads.

Charge may contain several heads.

395. When a charge contains one head only, the form shall be as follows, or to the same effect:

Forms of charge.

(*a.*) I, *A* [*name and office of Magistrate, &c.,*] declare that there is hereby made against *Z* the charge—

(*b.*) That he, on or about the day of at , waged war against the Queen, and

On Penal Code, section 121.

that he has thereby committed an offence punishable under section 121 of the Indian Penal Code, and within the cognizance of the Court of Session.

(*d.*) And I hereby direct that *Z* be tried by the said Court on the said charge.

[*Signature and Seal of the Magistrate.*]

To be substituted for (*b*),

(2.) That he, on or about the day of at , with the intention of inducing the Honourable *A. B.*, a Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under section 124 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 124.

(3.) That he, being a public servant in the Department, directly accepted from [*state the name*] for another party [*state the name*] a gratification, other than legal remuneration, as a motive for his, the said *Z's* forbearing to do an official act, and that he has thereby committed an offence punishable under section 161 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 161.

(4.) That he, on or about the day of at , committed culpable homicide not amounting to murder, causing the death of , and that he has thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 304.

(5.) That he, on or about the day of at , abetted the commission of suicide by *A. B.*, a person in a state of intoxication, and that he has thereby committed an offence punishable under section 306 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 306.

(6.) That he, on or about the day of at , voluntarily caused grievous hurt to , and that he has thereby committed an offence punishable under section 325 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 325.

(7.) That he, on or about the day of at , committed robbery, and that he has thereby committed an offence punishable under section 392 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 392.

(8.) That he, on or about the day of at , committed dacoity, and that he has thereby committed an offence punishable under section 395 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 395.

And the same form shall be followed, as nearly as may be, in charges with one head only, under other sections of the Indian Penal Code.

396. When it appears to the Magistrate that the facts which can be established in evidence show a case falling within two or more sections of the Indian Penal Code, the charge shall contain two or more heads, each of which shall be applicable to one of such sections.

Charges in cases falling within several sections of Penal Code.

397. When it appears to the Magistrate that the facts which can be established in evidence show the commission of two or more offences falling within the same section of the Indian Penal Code, the charge shall contain two or more heads charging such offences respectively.

Charge where several offences punishable under same section.

398. When it appears to the Magistrate that the facts which can be established in evidence show a case falling within some one of two or more sections of the Indian Penal Code, but it is doubtful which of such sections will be applicable,

Charge in case of doubt as to section applicable, or offence proveable.

or show the commission of one of two or more offences falling within the same section of the said Code, but it is doubtful which of such offences will be proved,

the charge shall contain two or more heads, framed respectively under each of such sections, or charging respectively each of such offences accordingly.

399. When a charge contains more heads than one, the form shall be as follows, or to the same effect:—

Forms of charge containing several heads.

I, *A* [*name and office of Magistrate or other officer as aforesaid, &c.,*] declare that there is hereby made against *Z* the charge—

First:—That he, on or about the day of at , knowing a coin to be counterfeit, delivered the same to another person, by name *A. B.*, as genuine, and that he has thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Penal Code, sections 241 and 242.

Secondly:—That he, on or about the day of at , knowing a coin to be counterfeit, attempted to induce another person, by name *A. B.*, to receive it as genuine, and that he has thereby committed an offence punishable under section 242 of the Indian Penal Code, and within the cognizance of the Court of Session.

And I hereby direct that *Z* be tried by the said Court on the said charge.

[*Signature and Seal of the Magistrate.*]

First:—That he, on or about the day of at , committed murder by causing the death of , and that he has thereby committed an offence punishable under section 302 of the Indian Penal Code, and within the cognizance of the Court of Session.

On sections 302 and 304.

Secondly:—That he, on or about the day of at , by causing the death of , committed culpable homicide, and that he has thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session.

First:—That he, on or about the day of at , committed theft, and that he has thereby committed an offence punishable under section 379 of the Indian Penal Code, and within the cognizance of the Court of Session.

On sections 379 and 382.

Secondly:—That he, on or about the day of at , committed theft, having made preparation for causing death to a person in order to the committing of such theft, and that he has thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

Thirdly:—That he, on or about the day of at , committed theft, having made preparation for causing restraint to a person in order to the effecting of his escape after the committing of such theft, and that he has thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

Fourthly:—That he, on or about the day of at , committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and that he has thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

And the same form shall be followed, as nearly as may be, in charges with more heads than one, under other sections of the Indian Penal Code.

400. Any Court before which a trial is held may, at any stage of the trial, amend or alter the charge.

Amendment of charge.

401. If the amendment or alteration is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused person in his defence, it shall be at the discretion of the Court, after making the amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

When trial may proceed immediately after amendment.

402. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused person in his defence, the Court may either direct a new trial, or suspend the trial for such period as may be necessary to enable him to make his defence to the amended or altered charge; and, after hearing his defence, may further adjourn the trial, to admit of the appearance of any witness, whose evidence the Court may consider to be material to the case, or whom the accused person may wish to be summoned in his defence.

When new trial may be directed, or trial suspended.

403. In all cases of amendment or alteration of a charge, the accused person shall be allowed to recall and examine any witness who may have been examined.

Defendant may recall witnesses.

404. A person who has once been tried for an offence and convicted or acquitted of such offence, shall not be liable to be tried again for the same offence:

Person once convicted or acquitted not to be tried for same offence.

Provided that any person may be tried for the offence of culpable homicide and punished for that offence, notwithstanding he may have been tried and punished for the act which caused the death, if at the time of his conviction for the said act death has not resulted, or has not been known by the Court which passed sentence to have resulted.

Proviso as to culpable homicide.

405. If upon the trial of any person charged with the offence of criminal breach of trust under section 405 of the Indian Penal Code,

Person charged with criminal breach of trust may be found guilty of theft.

or of criminal breach of trust as a carrier, wharfinger or warehouse-keeper under section 407 of the said Code,

it is proved that such person took the property in question in any such manner as to amount to the offence of theft under section 378 of the said Code,

he shall not be entitled to be acquitted.

But the Court, or the jury in a case tried by jury, may find that such person is not guilty of the offence charged, but is guilty of the said offence under the said section 378.

Thereupon such person shall be liable to be punished in the same manner as if he had been found guilty upon a charge under the said section 378.

Person charged with criminal breach of trust as a servant may be found guilty of theft, or of theft as a servant.

406. If upon the trial of any person charged with the offence of criminal breach of trust as a clerk or servant under section 408 of the Indian Penal Code, it is proved that he took the property in question in any such manner as to amount to

the offence of theft under section 378 of the said Code,

or the offence of theft as a clerk or servant of property in possession of his master under section 381 of the said Code,

he shall not be entitled to be acquitted, but the Court, or the jury in a case tried by jury, may find that he is not guilty of the offence charged, but is guilty of the said offence under the said section 378, or section 381, as the case may be.

Thereupon he shall be liable to be punished in the same manner as if he had been found guilty upon a charge under such section.

Person charged with theft may be found guilty of misappropriation or breach of trust.

407. If upon the trial of any person charged with the offence of theft under section 378 of the Indian Penal Code, or the offence of theft in a building, tent or vessel under section 380 of the said Code, it is proved that he took the property in question in any such manner as to amount to

the offence of dishonest misappropriation of property under section 403 of the said Code,

or the offence of criminal breach of trust under section 405 of the said Code,

he shall not be entitled to be acquitted, but the Court, or the jury in a case tried by jury, may find that he is not guilty of the offence charged, but is guilty of the said offence under the said section 403, or section 405, as the case may be.

Thereupon he shall be liable to be punished in the same manner as if he had been found guilty upon a charge under such section.

Person charged with theft as a servant may be found guilty of misappropriation or breach of trust.

408. If upon the trial of any person charged with the offence of theft as a clerk or servant of property in the possession of his master, under section 381 of the Indian Penal Code, it is proved that he took the property in question in any such manner as to amount to any of the following offences:—

dishonest misappropriation of property under section 403 of the said Code,

dishonest misappropriation of property possessed by a deceased person at the time of his death under section 404 of the said Code,

such dishonest misappropriation under the said section 404, the offender being at the time of the person's decease employed by him as a clerk or servant,

criminal breach of trust under section 405 of the said Code,

criminal breach of trust as a clerk or servant under section 408 of the said Code,

he shall not be entitled to be acquitted, but the Court, or the jury in a case tried by jury, may find that he is not guilty of the offence charged, but is guilty of the offence under the said section 403, section 404, section 405 or section 408, as the case may be.

Thereupon he shall be liable to be punished in the same manner as if he had been found guilty upon a charge under such section.

No person convicted under the last four sections to be charged on same facts.

409. No person charged and tried for an offence under any section of the Indian Penal Code in the last four sections mentioned, and found guilty of another offence under the provisions of any other of the said sections of the Indian Penal Code, shall be liable to be afterwards prosecuted upon the same facts under the section under which he was charged, or under the section under which he was found guilty.

Withdrawal of remaining charges on conviction on one of several charges.

410. In trials before a Court of Session, when more charges than one are preferred against the same person, and when a conviction has been had on one or more of them, the Government Pleader or other officer conducting the prosecution may, with the consent of the Court, withdraw, or the Court of its own accord may suspend, the enquiry into the remaining charge or charges.

CHAPTER II.—*Of the Finding, Judgment and Sentence.*

Judgment to specify offence.

411. When the trial in any Criminal Court is concluded, the Court, in passing judgment, if the accused person be convicted, shall distinctly specify the offence of which, and the section of the Indian Penal Code under which, he is convicted;

or if it be doubtful under which of two sections the offence falls, shall distinctly express the same, and pass judgment in the alternative, according to section 72 of the said Code.

Judgment in the alternative.

Form of finding and sentence.

412. The finding and sentence shall be recorded in one of the following forms, or to the same effect:—

In trials by Jury:—

(*A.*)—*When the jury are unanimous:*

The jury are unanimous in finding that *Z* is guilty of the offence specified in the charge, namely, that *Z* has waged war against the Queen, and has thereby committed an offence punishable under section 121 of the Indian Penal Code; and the Court directs that the said *Z* be [*sentence.*]

2*nd.*—The jury are unanimous in finding that *Z* is not guilty of the offence specified in the charge, namely, that *Z* has waged war against the Queen, and has thereby committed an offence punishable under section 121 of the Indian Penal Code; and the Court directs that the said *Z* be discharged.

(*B*).—*When the jury are not unanimous, but such a majority as is required by section* 217 *concur in finding the accused guilty:*

3*rd.*—A majority (*stating the number, consisting of four out of five, or five or six out of seven, or six, seven, or eight out of nine, as the case may be*) find that *Z* is guilty of the offence specified in the charge, namely, that *Z* has, with the intention of inducing the Honourable *A. B.*, a Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under section 124 of the Indian Penal Code. The Court directs that the said *Z* be [*sentence.*]

(*C*).—*When the jury are not unanimous, but such a majority as is required by section* 217 *concur in finding the accused not guilty:*

4*th.*—A majority of the jury (*stating the number, as above*) find that *Z* is not guilty of the offence specified in the charge, namely, that *Z* has, with the intention of inducing the Honourable *A. B.*, a Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under section 124 of the Indian Penal Code. The Court directs that the said *Z* be discharged.

(*D*).—*When the jury, or such a majority as is required by section* 217, *concur in finding the accused guilty of an offence, but are doubtful under which of two heads of a charge the offence falls:*

5*th.*—The jury, or a majority of the jury (*stating the number, as above*) find that *Z* is guilty, either of the offence specified in the first head of the charge, or of the offence specified in the second head of the charge, namely, that *Z* has either committed theft, and has thereby committed an offence punishable under section 379 of the Indian Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under section 406 of the said Code. The Court directs that, under the provisions of the above-mentioned sections, and the provisions of section 72 of the Indian Penal Code, the said *Z* be [*sentence.*]

(*E*).—*When a majority less than the number required by section* 217 *find the accused guilty:*

6*th.*—A majority of not less than two-thirds of the jury (*stating the number, as above*) with the concurrence of the Judge, find that *Z* is guilty of the offence specified in the charge, namely, that he has committed, &c., &c. The Court directs that the jury be discharged, and that there be a new trial.

A similar form shall be followed if a verdict of not guilty is found by a majority less than is required by section 217.

(*F*).—*In trials with Assessors:*

7*th.*—The Court, concurring with the assessors (*or* one or more of the assessors), finds that *Z* is guilty of the offence specified in the charge, namely, that *Z* has committed the offence of rioting, and has thereby committed an offence punishable under section 147 of the Indian Penal Code; and the Court directs that the said *Z* be [*sentence.*]

8*th.*—The Court, differing from the assessors, finds that *Z* is not guilty of the offence specified in the charge, namely, that *Z* has committed the offence of rioting, and has thereby committed an offence punishable under section 147 of the Indian Penal Code; and the Court directs that the said *Z* be discharged.

9*th.*—The Court, concurring with one of the assessors, finds that *Z* is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge, namely, that *Z* has either committed theft, and has thereby committed an offence punishable under section 379 of the Indian Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under section 406 of the Indian Penal Code; and the Court directs that, under the provisions of the above-mentioned sections, and the provisions of section 72 of the Indian Penal Code, the said *Z* be [*sentence.*]

In trials upon a formal charge, without jury or the aid of assessors:

10*th.*—The Court finds that *Z* is guilty of the offence specified in the charge, namely, that *Z* has committed theft, and has thereby committed an offence punishable under section 379 of the Indian Penal Code; and the Court directs that the said *Z* be [*sentence.*]

11*th.*—The Court finds that *Z* is not guilty of the offence specified in the charge, namely, that *Z* has committed theft, and has thereby committed an offence punishable under section 379 of the Indian Penal Code; and the Court directs that the said *Z* be discharged.

In trials in which no formal charge has been prepared:

12*th.*—The Court finds that *Z* has used criminal force, and has thereby committed an offence punishable under section 353 of the Indian Penal Code, and directs that the said *Z* be [*sentence.*]

13*th.*—The Court finds that the complaint of assault is not proved, acquits *Z*, and directs that he be discharged.

Language of sentence.

413. Every sentence or final order of a Criminal Court, together with the reasons for making or passing the same, shall be written in the vernacular language of the presiding officer, and shall be dated and signed by such officer at the time of his making or passing the same.

The original shall be filed with the record of proceedings, and a translation thereof, where the original is recorded in a different language from that in ordinary use in proceedings before such officer, shall be incorporated in the record of the sentence or order.

When sentence may be written in English.

414. If the vernacular language of the presiding officer is not English, and he is sufficiently conversant with the English language to be able to write the sentence or final order in a clear and intelligible manner in that language, and prefers to write the same in that

language, the sentence or final order may be written in English.

CHAPTER III.—*Prosecutions in certain Cases.*

Prosecutions for offences against the State.

415. A charge of an offence punishable under chapter VI of the Indian Penal Code, except section 127, shall not be entertained by any Court, unless the prosecution be instituted by order of, or under authority from, the Governor General of India in Council, or the Local Government, or some officer empowered by the Governor General in Council to order or authorize such prosecution, or unless instituted by the Advocate General.

Prosecution of Judges and public servants.

416. A charge of an offence punishable under chapter IX of the Indian Penal Code, of which any Judge or any public servant not removeable from his office without the sanction of the Government, is accused as such Judge or public servant, shall not be entertained against such Judge or public servant, except with the sanction or under the direction of the Local Government, or of some officer empowered by the Local Government, or of some Court or other authority to which such Judge or public servant is subordinate, and whose power so to sanction or direct such prosecution the Local Government shall not think fit to limit or reserve.

Prosecution for contempts of the lawful authority of public servants.

417. A charge of any offence described in chapter X of the Indian Penal Code, not falling within section 163, shall not be entertained in any Criminal Court, except with the sanction or on the complaint of the public servant concerned, or of his official superior.

The prohibition contained in this section shall not apply to the offences described in sections 189 and 190 of the Indian Penal Code.

Prosecution for certain offences against public justice.

418. A charge of an offence against public justice, described in section 193, 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, 210, 211 or 228 of the Indian Penal Code, when such offence is committed before or against a Civil or Criminal Court, shall not be entertained in the Criminal Courts, except with the sanction of the Court before or against which the offence was committed, or of some other Court to which such Court is subordinate.

Such sanction may be given at any time.

Prosecution for certain offences relating to documents given in evidence.

419. A charge of an offence relating to documents described in section 463, 471, 475 or 476 of the Indian Penal Code, when the document has been given in evidence in any proceedings in any Court of Justice, shall not be entertained against a party to such proceedings, except with the sanction of the Court in which the document was given in evidence, or of some other Court to which such Court is subordinate.

Such sanction may be given at any time.

Procedure in cases mentioned in last three preceding sections.

420. When any Court, Civil or Criminal, is of opinion that there is sufficient ground for investigating any charge mentioned in the last three preceding sections, the Court, after making such preliminary enquiry as may be necessary, may send the case for investigation to any Magistrate having power to try or commit for trial the accused person for the offence charged.

Such Magistrate shall thereupon proceed according to law, and the Court may send the accused person in custody or take sufficient bail for his appearance before such Magistrate, and may bind over any person to appear and give evidence on such investigation.

Power of Court of Session as to such offences committed before it.

421. A Court of Session may charge a person for any such offence committed before it or under its own cognizance if the offence be triable by the Court of Session exclusively, and may commit or hold to bail and try him upon its own charge.

In such case the Court of Session shall have the same power of summoning and causing the attendance at the trial of any witnesses for the prosecution or for the defence as is vested in a Magistrate by this Act.

Such Court may direct the Magistrate to cause the attendance of such witnesses on the trial.

Power of Civil Courts to complete investigation and commit to Court of Session.

422. In any case triable by the Court of Session exclusively, any Civil Court before which any such offence was committed may, instead of sending the case for investigation to a Magistrate, complete the investigation itself, and commit or hold to bail the accused person to take his trial before the Court of Session.

For the purposes of investigation under this section, the Civil Court may exercise all the powers of a Magistrate.

Procedure of Civil Court in such cases.

423. When any such commitment is made by order of a Civil Court, the Court shall frame a charge in the manner hereinafter provided, and shall send the same with the order of commitment and the record of the case to the Magistrate of the District or other officer exercising any of the powers of a Magistrate, and such Magistrate or other officer as aforesaid shall bring the case before the Court of Session, together with the witnesses for the prosecution and defence.

Court may exercise all powers of Magistrate as to binding over persons to give evidence.

424. Whenever any Court of Justice commits or holds to bail any person for trial under the last three preceding sections, it may also bind over any person to give evidence, and for that purpose may exercise all the powers of a Magistrate.

Procedure where offence triable only by Session Court is committed before Magistrate not empowered to commit to such Court.

425. If any such offence, triable by the Court of Session exclusively, be committed before a Magistrate not empowered to commit for trial before a Court of Session, he shall send the case to a Magistrate competent to make such commitment, who shall proceed to pass such order in the case as he thinks fit.

Prosecution for adultery.

426. A charge of an offence under section 497 of the Indian Penal Code shall not be instituted, except by the husband of the woman

Prosecution for enticing away a married woman.

427. A charge of an offence under section 498 of the Indian Penal Code shall not be instituted, except by the husband of the woman or by the person having care of such woman on behalf of her husband.

PART X.

PREVENTIVE JURISDICTION OF MAGISTRATES.

CHAPTER I.—*Of Security for keeping the Peace.*

Personal recognizance to keep the peace in cases of conviction.

428. Whenever a person charged with rioting, assault, or other breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, is convicted of such charge before any Court of Session or the Magistrate of the District or a Magistrate in charge of a division of a District or other officer exercising the powers of a Magistrate,

and the Court or Magistrate or other officer as aforesaid by which or by whom the accused person is convicted, or the Court or Magistrate or other officer as aforesaid by which or by whom the final sentence or order in the case is passed, is of opinion that it is just and necessary to require a personal recognizance for keeping the peace from the person so convicted,

the Court or Magistrate or other officer as aforesaid so convicting the accused person, or so passing the final sentence or order as aforesaid, may, in addition, direct that the person so convicted be required to execute a formal engagement, in a sum proportionate to his condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding one year if the sentence or order be passed by a Magistrate, or three years if the sentence or final order be passed by a Court of Session:

If the accused person be sentenced to imprisonment, the period for which he may be required to execute a recognizance shall commence when he is released.

Where convicting officer has not powers of Magistrate.

When any accused person is convicted of any offence specified in this section by an officer not exercising the powers of a Magistrate, such officer, if he consider it just and necessary to require a personal recognizance for keeping the peace from the person so convicted, shall report the case to the Magistrate of the District, or other officer exercising the powers of a Magistrate to whom such officer is subordinate, who shall deal with the case as if the conviction had been before himself.

Security to keep the peace.

429. Whenever it appears necessary to require security for keeping the peace, in addition to the personal recognizance of the party so convicted, the Court or Magistrate or other officer as aforesaid, empowered to require a personal recognizance, may require security in addition thereto and fix the amount of the security-bond to be executed by the surety or sureties; with a provision that, if the same be not given, the party required to find the security shall be kept in custody for any time not exceeding one year, if the order be passed by the Magistrate of the District or other officer exercising the powers of a Magistrate, or three years if the order be passed by the High Court or by a Court of Session.

Summons to any person to show cause why he should not give bond to keep peace.

430. The Magistrate of the District or other officer exercising the powers of a Magistrate, whenever he receives credible information that any person, whether a European British subject or not, is likely to commit a breach of the peace, or to do any act that may probably occasion a breach of the peace, may summon him to attend at a time and place mentioned in the summons, to show cause why he should not be required to enter into a bond to keep the peace with or without sureties as such Magistrate thinks fit.

Form of summons.

431. The summons shall set forth the substance of the information, the amount of the bond, and the term for which it is to be in force, and, if security is called for, the number of sureties required, and the amount in which they are to be bound respectively.

Such summons shall be served in the manner provided by this Act for the service of a summons on an accused person.

Penalty of bond.

432. The bond shall be in the Form (D) given in the appendix or to the like effect, and its penalty shall be fixed with a due regard to the circumstances of the case and the means of the party.

The amount in which the sureties shall be bound shall not exceed the penalty.

Warrant of arrest.

433. If the person summoned does not attend on the day appointed, the Magistrate or other officer as aforesaid, if satisfied that the summons has been duly served, may issue a warrant for his arrest:

Provided that, whenever it appears to the Magistrate or other officer as aforesaid, upon the report of a Police officer or upon other credible information (the substance of which report or information shall be recorded), that there is just reason to fear the commission of a breach of the peace, which may probably be prevented by the immediate arrest of any person, the Magistrate or other officer may at any time issue a warrant for his arrest.

Magistrate may dispense with personal attendance of person informed against.

434. The Magistrate or other officer as aforesaid may, if he see sufficient cause, dispense with the personal attendance of the person informed against and permit him to appear and enter into the required security, or show cause against such requisition, by an agent duly authorized to act in his behalf.

Discharge of person informed against.

435. If on the appearance of the person informed against, or of his agent, if he is permitted to appear by agent, the Magistrate or other officer as aforesaid is not satisfied that there is occasion to bind such person to keep the peace, the Magistrate or other officer as aforesaid shall direct his discharge.

436. If the Magistrate or other officer as aforesaid is satisfied that it is necessary for the preservation of the peace to take a bond from such person with or without security, he shall make an order accordingly; and if the person fails to comply with the order, the Magistrate or other officer as aforesaid may commit him to jail.

Non-compliance with order to give bond.

437. The period for which the Magistrate or other officer as aforesaid may bind a person to keep the peace with or without security, shall not exceed one year.

Time for which person may be bound to keep peace.

When a person is committed to jail under section 436, he shall not be detained by authority of the Magistrate or other officer as aforesaid beyond the term of one year, and shall be released whenever within that term he complies with the order.

Limit of imprisonment under section 436.

438. Whenever it appears to the Magistrate or other officer as aforesaid that it is necessary for the preservation of the peace to bind a person beyond the term of one year, he may, before the expiration of the first year, record his opinion to that effect and the grounds thereof, and may refer the case for the orders of the Court of Session.

Extension of time for which person may be bound.

Such Court, after examining the proceedings of the Magistrate or other officer as aforesaid and making such further enquiry as it thinks necessary, may, if it see cause, authorize the Magistrate or other officer as aforesaid to extend the term for a further period not exceeding one year.

If the person fails to give a bond, with security if required, for his keeping the peace for such further period as the Magistrate or other officer as aforesaid directs under the orders of the Court of Session, he may be kept in confinement for such further period or until within that period he gives such bond.

439. The Magistrate or other officer as aforesaid may, if he see sufficient cause, discharge any recognizance and surety for keeping the peace taken under the preceding sections, and may order the release of the person confined for default in entering into such recognizance or giving such security.

Discharge of recognizances.

440. A surety for the personal appearance of another person may at any time apply to the Magistrate or other officer as aforesaid, to be relieved from his engagement as surety.

Discharge of sureties.

On such application being made, the Magistrate shall issue his summons or warrant in order that the person for whom such surety is bound may appear or be brought before him.

On the appearance of the person to such warrant or on his voluntary surrender, the Magistrate or other officer as aforesaid shall direct the engagement of the surety to be cancelled, and shall call upon such person to give fresh security, and in default thereof shall commit him to custody.

441. Whenever it is proved before the Magistrate or other officer as aforesaid that any recognizance or other bond taken under this chapter has been forfeited, he shall record the grounds of such proof, and shall call upon the person bound by the bond to pay the penalty thereof, or to show cause why it should not be paid.

Recovery of penalty from principal.

If sufficient cause be not shown and the penalty be not paid, the Magistrate or other officer as aforesaid shall proceed to recover the same by the attachment and sale of any of the moveable property belonging to the person bound thereby which is found within the jurisdiction of the Magistrate of the District.

If the penalty be not paid and cannot be recovered by such attachment and sale, the party shall be liable to imprisonment by order of the Magistrate or other officer as aforesaid in the civil jail for a period not exceeding six months.

442. Whenever it is proved before the Magistrate or other officer as aforesaid that any bond with a surety has been forfeited, the Magistrate or other officer as aforesaid may at his discretion give notice to the surety to pay the penalty to which he has thereby become liable, or to show cause why it should not be paid.

Recovery of penalty from surety.

If no sufficient cause is shown, and the penalty is not paid, the Magistrate or other officer as aforesaid may proceed to recover payment of the penalty from such surety in the same manner as from the principal party.

CHAPTER II.—*Of Security for Good Behaviour.*

443. Whenever it appears to the Magistrate of the District or to an officer exercising the powers of a Magistrate that any person is lurking within his jurisdiction not having any ostensible means of subsistence, or who cannot give a satisfactory account of himself, such Magistrate or other officer as aforesaid may require security for his good behaviour for a period not exceeding six months.

When Magistrate may require security for good behaviour for six months.

444. Whenever it appears to such Magistrate or other officer as aforesaid, from the evidence as to general character adduced before him, that any person is by repute a robber, house-breaker, or thief,

When Magistrate may require security for good behaviour for one year.

or a receiver of stolen property, knowing the same to have been stolen,

or of notoriously bad livelihood,

such Magistrate or other officer as aforesaid may require security for his good behaviour for a period not exceeding one year.

445. Whenever it appears to such Magistrate or other officer as aforesaid, from the evidence as to general character adduced before him, that any person is by habit a robber, house-breaker, or thief,

Procedure where security required for more than one year.

or a receiver of stolen property, knowing the same to have been stolen,

or of a character so desperate and dangerous as to render his release, without security, at the expiration of the limited period of one year, hazardous to the community,

the Magistrate or other officer as aforesaid shall record his opinion to that effect, with an order specifying the amount of security which should, in his judgment, be required from such person, as well as the number of sureties, and the period, not exceeding three years, for which the sureties should be responsible for such person's good behaviour.

446. If the person so required to furnish security, does not furnish the same, the proceedings shall be laid, as soon as conveniently may be, before the Court of Session.

Proceedings to be laid before Court of Session.

Such Court, after examining them and requiring any further information or evidence which it judges necessary, may pass orders on the case, either confirming, modifying or annulling the orders of the Magistrate or other officer as aforesaid as it judges proper.

447. If the Court of Session does not think it safe to direct the immediate discharge of such person, it shall fix a limited period for his detention, not exceeding three years, in the event of his not giving the security required from him.

Court of Session may require security for period not exceeding three years.

448. Whenever security for good behaviour is required by the Court of Session or the Magistrate or other officer as aforesaid, the amount of the security, the number of sureties, and the period of time for which the sureties are to be responsible for the good conduct of the person required to furnish security, shall be stated in the order.

Contents of order for security.

The security-bond shall be in the Form (F) given in the appendix, or to the like effect.

449. In the event of any person required to give security under the provisions of the foregoing sections, failing to furnish the security so required, he shall be committed to prison until he furnish the same.

Imprisonment in default of security.

Provided that no such person shall be kept in prison for a longer period than that for which the security has been required from him.

Term of imprisonment.

Imprisonment under this section may be rigorous or simple, as the Court of Session in each case directs.

450. The Magistrate of the District or other officer exercising the powers of a Magistrate is empowered, at any time, to exercise his discretion in releasing, without reference to any other authority, any prisoner confined under requisition of security for good behaviour, whether by his own order or by the order of any officer subordinate to him, provided he is of opinion that such person can be released without hazard to the community.

Release of prisoners under requisition of security.

451. Whenever a Magistrate or other officer as aforesaid is of opinion that any person confined under requisition of security for good behaviour by order of a Court of Session, can be safely released without such security, the Magistrate or other officer as aforesaid shall make an immediate report of the case for the orders of the Court which shall have required the person to furnish the security.

Report in case of prisoner under requisition of security by order of Court of Session.

452. A surety for the good behaviour of a person may at any time apply to the Magistrate or other officer as aforesaid to be relieved from his engagement as surety.

Discharge of surety.

On such application being made, the Magistrate or other officer as aforesaid shall issue his summons or warrant in order that such person may appear or be brought before him.

On the appearance of such person pursuant to the warrant or on his voluntary surrender, the Magistrate or other officer as aforesaid shall direct the engagement of the surety to be cancelled, and shall call upon the person so appearing or surrendering to give fresh security, and, in default thereof, shall commit him to custody.

453. Whenever the Magistrate or other officer as aforesaid is of opinion that, by reason of an offence proved to have been committed by the person for whose good behaviour security has been given, subsequent to his having given such security, proceedings should be had upon the bond executed by the surety, he shall give notice to the surety to pay the penalty, or to show cause why it should not be paid.

Recovery of penalty from sureties.

If no sufficient cause be shown, the Magistrate or other officer as aforesaid shall proceed to recover the penalty from such surety by the attachment and sale of any moveable property belonging to him which may be found within the jurisdiction of the Magistrate of the District.

If the penalty be not paid, and cannot be recovered by such attachment and sale, the surety shall be liable to imprisonment by order of the Magistrate or other officer as aforesaid in the civil jail, for a period not exceeding six months.

454. The provisions of sections 431 and 433 relating to the issue of summons and warrant of arrest for securing the personal attendance of the party informed against, shall apply to proceedings taken under this chapter against persons required to give security for their good behaviour.

Issue of summons and warrant of arrest.

455. Any evidence taken under Part X, chapter I or this chapter, shall be taken as in cases usually heard by a Magistrate upon summons.

Manner of taking evidence under Part X, chapter I or this chapter.

CHAPTER III.—*Local Nuisances.*

456. Any Magistrate, by a written order, may direct any person to abstain from a certain act, or to take certain order with certain property in his possession, or under his management, whenever such

Magistrate may issue orders to prevent obstructions, danger to human life, or riots.

Magistrate considers that such direction is likely to prevent, or tends to prevent,

obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed,

or danger to human life, health, or safety,

or a riot or an affray.

Magistrate may prohibit repetition or continuance of public nuisances.

457. Any Magistrate may enjoin any person not to repeat or continue a public nuisance as defined in section 268 of the Indian Penal Code.

No appeal shall lie from an order made under this section.

Magistrate may order removal of nuisances.

458. Whenever the Magistrate of a District or of a division of a District, considers that any unlawful obstruction or nuisance should be removed from any thoroughfare or public place,

or that any trade or occupation, by reason of its being injurious to the health or comfort of the community, should be suppressed or should be removed to a different place,

or that the construction of any building or the disposal of any combustible substance, as likely to occasion conflagration, should be prevented,

or that any building is in such a state of weakness that it is likely to fall, and thereby cause injury to persons passing by, and that its removal in consequence is necessary,

or that any tank or well adjacent to any public thoroughfare should be fenced in such a manner as to prevent danger arising to the public—

he may issue an order to the person causing such obstruction or nuisance, or carrying on such trade or occupation, or being the owner or in possession of, or having control over, such building, substance, tank, or well as aforesaid, calling on him, within a time to be fixed in the order,

to remove such obstruction or nuisance,

or to suppress or remove such trade or occupation,

or to stop the construction of such building,

or to remove it,

or to alter the disposal of such substance,

or to fence such tank or well (as the case may be),

or to appear before himself or some other officer exercising the powers of a Magistrate or of a Subordinate Magistrate of the First Class within the time mentioned in the order, and show cause why such order should not be enforced.

Service or notification of order.

459. Such order shall, if practicable, be served personally on the person to whom it is issued.

But if personal service is found to be impracticable, the order shall be notified by proclamation, and a written notice thereof shall be stuck up at such place or places as may be best adapted for conveying the information to such person.

Person ordered shall obey, or may claim a jury.

460. The person to whom such order is issued shall be bound, within the time specified in the order, to obey the same or to appear before the Magistrate before whom he was required by the order to appear to show cause as aforesaid, or he may apply to such Magistrate for an order for a jury to be appointed to try whether the order is reasonable and proper.

Constitution of jury.

On receiving such application, the Magistrate shall forthwith appoint a jury consisting of an odd number of persons not less than five, of whom the foreman and one-half of the remaining members shall be nominated by such Magistrate, and the other members by the applicant.

Suspension of order.

The execution of the order shall be suspended pending such enquiry, and the Magistrate who issued the order shall be guided by the decision of the jury, which shall be according to the opinion of the majority.

Procedure in case of non-appointment of or neglect by jury.

If the applicant, by neglect or otherwise, prevents the appointment of a jury, or if from any cause the jury so appointed does not decide and report within a reasonable time to be fixed in the order for the appointment, their functions shall cease from the date of the expiration of such period, unless they be continued by special order of the Magistrate.

If from any of the above causes no decision be made by the jury, the order of the Magistrate may be carried into effect as hereinafter provided.

Procedure in case of disobedience or neglect by person ordered.

461. If the person to whom the order mentioned in section 458 is issued does not obey such order,

or show cause against the same as hereinafter provided,

or apply for a jury within the time specified in such order,

he shall be liable to the penalty prescribed in that behalf in section 188 of the Indian Penal Code;

and the Magistrate who issued such order may proceed to carry it into execution at the expense of such person, and may realize such expenses, either by the sale of any building, goods, or other property removed by his order, or by the distress and sale of the moveable property of the person aforesaid.

No suit shall lie in respect of anything necessarily or reasonably done to give effect to such order.

Procedure where jury finds Magistrate's order to be reasonable.

462. If in a case referred to a jury, the jury find that the order of the Magistrate is reasonable and proper, the Magistrate who issued the order shall give notice of such finding to the person to whom the order was issued, and shall add to such notice an order to obey the order first mentioned within a time to be fixed in the notice and an intimation that, in case of disobedience, he will be liable to the penalty provided by section 188 of the Indian Penal Code.

If such latter order is not obeyed, the Magistrate may proceed as in section 461.

Procedure where person ordered satisfies Magistrate that order is not reasonable.

463. If the person to whom the order of the Magistrate is issued appears and shows cause against it, so as to satisfy the Magistrate who issued it that it is not reasonable and proper, no further proceedings shall be taken in the case.

Injunction pending enquiry by jury.

464. If, pending the enquiry by a jury, the Magistrate who issued the order considers that immediate measures are necessary to be taken to prevent imminent danger or injury of a serious kind to the public, he may issue such an injunction to the person mentioned in that behalf in section 458, as is required to obviate or prevent such danger or injury.

In default of such person forthwith taking all necessary measures ordered to be taken by such injunction, the Magistrate may himself use or cause to be used such means as may be necessary to obviate such danger or to prevent such injury.

No suit shall lie in respect of anything necessarily or reasonably done for that purpose.

Saving of certain statutory provisions.

465. Nothing in this chapter shall interfere with the provisions of section XLVIII of Act No. XXIV of 1859 *(for the better regulation of the Police within the territories subject to the Presidency of Fort St. George)*, or of section XXXIV of Act No. V of 1861 *(for the regulation of Police)*, or of section XVI of Act No. VIII of 1867 of the Governor of Bombay in Council.

CHAPTER IV.—*Possession.*

Magistrate how to proceed if any dispute concerning land, &c., is likely to cause breach of the peace.

466. Whenever the Magistrate of the District or other officer exercising the powers of a Magistrate is satisfied that a dispute, likely to induce a breach of the peace, exists concerning any land, houses, water, fisheries, crops or other produce of land, within the limits of his jurisdiction, he shall record a proceeding stating the grounds of his being so satisfied, and shall call on all parties concerned in such dispute to attend his Court in person, or by agent, within a time to be fixed by the Magistrate or other officer as aforesaid, and to give in a written statement of their respective claims, as respects the fact of actual possession of the subject of dispute.

Party in possession to be continued until ousted by due course of law.

The Magistrate or other officer as aforesaid shall, without reference to the merits of the claims of any party to a right of possession, proceed to enquire and decide which party is in possession of the subject of dispute, or if the parties are in joint possession, what is the share of which each party is in possession.

After satisfying himself upon that point, he shall issue an order declaring the party or parties to be entitled to retain possession until ousted by due course of law, and forbidding all disturbance of possession until such time.

If previous possession cannot be ascertained, Magistrate may attach subject of dispute.

467. If the Magistrate or other officer as aforesaid decides that neither of the parties is in possession, or is unable to satisfy himself as to which person is in possession, of the subject of dispute, he may attach it until a competent civil Court shall have determined the rights of the parties or who ought to be in possession.

Disputes concerning right of use of land or water.

468. If a dispute arise concerning the right of use of any land or water, the Magistrate or other officer as aforesaid within whose jurisdiction the subject of dispute lies, may enquire into the matter; and if it appear to him that the subject of dispute is open to the use of the public, or of any person or of any class of persons, the Magistrate or other officer may order that possession thereof shall not be taken or retained by any one to the exclusion of the public, or of such person, or of such class of persons, as the case may be, until the person claiming such possession shall obtain the decision of a competent Court adjudging him to be entitled to such exclusive possession.

Provided that the Magistrate or other officer as aforesaid, shall not pass any such order if the matter be such that the right of use is capable of being exercised at all times of the year, unless that right has been ordinarily exercised within three months from the date of the institution of the enquiry, or, in cases where the right of use exists at particular seasons, unless such right has been exercised during the last of such seasons before the complaint.

Local enquiry to determine boundary dispute.

469. Whenever a local enquiry is necessary to determine a boundary dispute or a contested right of possession, any officer exercising the full powers of a Magistrate, may depute any Assistant or other officer subordinate to him to make the enquiry, and may furnish him with such instructions, consistent with the law for the time being in force, as may seem necessary for his guidance, and may declare by whom the whole or any part of the necessary expenses of the enquiry shall be paid.

Saving of powers of Collectors and Revenue Courts.

470. Nothing in this chapter shall affect the powers of a Collector or a person exercising the powers of a Collector or of a Revenue Court.

CHAPTER V.—*Of the Maintenance of Wives and Families.*

Order for maintenance of wives and children.

471. If any person having sufficient means neglects or refuses to maintain his wife or legitimate or illegitimate child unable to maintain himself, the Magistrate of the District or other officer exercising the powers of a Magistrate may, upon due proof thereof, order him to make a monthly allowance for the maintenance of his wife or such child at such monthly rate, not exceeding fifty rupees in the whole, as to the Magistrate or other officer as aforesaid seems reasonable.

Enforcement of order.

If such person wilfully neglects to comply with this order, the Magistrate or other officer as aforesaid may, for every breach of the order, by warrant, direct the amount due to be levied in the manner provided for levying fines; or may order him to be imprisoned with or without hard labour for any term not exceeding one month;

Provided that, if such person offers to maintain his wife on condition of her living with him, and his wife refuses to live with him, the Magistrate or other officer as aforesaid may consider any grounds of refusal stated by such wife; and may make the order allowed by this section notwithstanding such offer, if he is satisfied that such person is living in adultery, or that he has habitually treated his wife with cruelty.

Proviso.

No wife shall be entitled to receive an allowance from her husband under this section, if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband.

472. On the application of any person ordered to pay a monthly allowance under the provisions of section 471, and on proof of a change in the circumstances of such person, his wife, or child, the Magistrate may make such alteration in the allowance ordered as he deems fit.

Alteration in allowance.

PART XI.

MISCELLANEOUS PROVISIONS.

Miscellaneous.

473. The procedure prescribed by this Act shall be followed, so far as it can be, in all miscellaneous criminal cases and proceedings which, after this Act comes into force, are instituted in any Court.

Procedure in miscellaneous criminal cases and proceedings.

474. Nothing in this Act shall be held to alter or affect the jurisdiction or procedure of the Commissioner of Police, the Police Magistrates, or the Police of the Towns of Calcutta, Madras and Bombay, except so far as this Act expressly provides for the same.

Saving of jurisdiction of Presidency Police Magistrates.

475. Nothing in this Act shall be held to alter or affect

Saving of jurisdiction and procedure of Landholders, Heads of Villages, Village Police Officers, Cantonment Magistrates.

(*a*) the jurisdiction, duties, or procedure of landholders specially empowered according to law in the Presidency of Bombay,

(*b*) the jurisdiction or procedure of the Heads of Villages in the Presidency of Fort Saint George,

(*c*) the jurisdiction, duties, or procedure of Village Police Officers in the Presidency of Bombay,

(*d*) the jurisdiction or procedure of any officer duly authorized and appointed under the laws in force in the Presidencies of Fort Saint George and Bombay respectively, for the trial of petty offences in Military bázárs at cantonments and stations occupied by the troops of those Presidencies respectively.

APPENDIX OF FORMS.

A.

FORM OF SUMMONS (*section* 106).

To *A. B.*, of

Whereas your attendance is necessary to answer to a charge of (*state shortly the offence charged*): You are hereby required to appear in person or by authorized agent, as the case may be, before the [Magistrate] of on the day of . Herein fail not.

(*Signature and Seal.*)

Dated the day of

B.

FORM OF WARRANT (*section* 113).

To (*name and designation of the person or persons who are to execute the warrant*).

Whereas of stands charged with the offence of (*state the offence*): You are hereby directed to apprehend the said and produce him before me. Herein fail not.

(*Signature and Seal.*)

This warrant may be endorsed as follows:—

If the said shall give bail, himself in the sum of with one surety in the sum of (*or* two sureties each in the sum of) to appear before me on the day of he may be released.

(*Signature.*)

Dated

C.

FORM OF WARRANT OF COMMITMENT (*section* 222).

To Jailor of

Whereas of is charged with (*state the offence in respect of which the prisoner is charged, and the authority of the committing officer*):

You are hereby required to receive the said into your custody in the said jail of and him there safely to keep until he shall be thence delivered by due course of law.

(*Signature.*)

Dated the day of

D.

FORM OF BOND TO KEEP THE PEACE (*section* 432).

Whereas I inhabitant of have been called upon to enter into a bond to keep the peace for the term of , I hereby bind myself not to commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees.

(*Signature.*)

Dated

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

I hereby declare myself surety for the above-said that he shall not commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the sum of rupees.

(*Signature.*)

Dated

E.

FORM OF RECOGNIZANCE TO PROSECUTE OR GIVE EVIDENCE (*sections* 88 and 321).

I of do hereby bind myself to appear at in the Court of at o'clock on the day of next, and then and there to prosecute (*or, as the case may be*, to prosecute and give evidence, *or* to give evidence) in the matter of a charge of against one *A. B.*; and in case of my making default herein, I bind myself to forfeit to Her Majesty the sum of rupees.

F.

FORM OF BOND FOR GOOD BEHAVIOUR (*section* 448).

Whereas I inhabitant of have been called to enter into a bond to be of good behaviour to Her Majesty the Queen, and to all her subjects, for the term of , I hereby bind myself to be of good behaviour to Her Majesty and to all her subjects during the said term, and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees.

Dated

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

I hereby declare myself surety for the above-said that he shall be of good behaviour to Her Majesty and to all her subjects during the said term; and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the sum of rupees.

SCHEDULE I.

ENACTMENTS REPEALED.

PART I.—STATUTE.

Year and Chapter.	Title.	Extent of repeal.
53 Geo. iii, cap. clv.	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's Charter.	Section one hundred and five.

PART II.—ACTS.

Number and Year.	Subject or Title.	Extent of repeal.
XV of 1843	An Act for the more extensive employment of Uncovenanted Agency in the Judicial Department.	Sections three, four, five and six.
XV of 1845	An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of Judicial and Revenue proceedings.	So much as has not been repealed.
XXIX of 1845.	An Act to empower the Government of Bombay to appoint Joint Zillah Judges or Joint Session Judges.	So much as has not been repealed.
I of 1849	An Act to provide more effectually for the punishment of offences committed in Foreign States.	The whole Act.
VII of 1853	An Act to extend the jurisdiction of Magistrates, under the 53rd Geo. iii, Cap. 155, Section 105, in cases of assaults, forcible entries, and other injuries accompanied with force, not being felonies.	The whole Act.
X of 1854	An Act for regulating the powers of Assistants to Magistrates, and of Deputy Magistrates appointed under Act XV of 1843.	So much as has not been repealed.
XX of 1856	An Act to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs and Bazaars in the Presidency of Fort William in Bengal.	Section fifty-eight.
XXV of 1861	An Act for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.	So much as has not been repealed.
XVII of 1862	An Act to repeal certain Regulations and Acts relating to Criminal Law and Procedure.	So much as has not been repealed.
XXVIII of 1867.	An Act to remove doubts as to the legality of certain sentences passed by tribunals, called Petty Sessions Courts, in the North-Western Provinces.	The whole Act.
XXXVI of 1867.	An Act to correct an error in Act No. XVII of 1862.	
VIII of 1869	An Act further to amend the Code of Criminal Procedure.	The whole Act.
XXVII of 1870.	To amend e Indian Penal Code.	Sections sixteen and seventeen, and the two schedules.

PART III.—REGULATIONS.

BENGAL REGULATIONS.

Number and Year.	Title.	Extent of repeal.
IX of 1793...	A Regulation for re-enacting with Alterations and Modifications, the Regulations passed by the Governor General in Council on the 3rd December 1790, and subsequent Dates, for the Apprehension and Trial of Persons charged with Crimes or Misdemeanors.	Sections three and thirty-four.
XVI of 1810	A Regulation to amend the existing Rules for the Appointment of Zillah and City Magistrates; to provide for the Appointment of Joint and Assistant Magistrates; and to alter the Provisions in force for the Payment of a fixed Reward on the Conviction of Public Offenders.	So much as has not been repealed.
XVII of 829	A Regulation for declaring the practice of Suttee, or of Burning or Burying alive the Widows of Hindoos, illegal, and punishable by the Criminal Courts.	Section three, clause one, from and including the words "and any zemindar" to the end of the clause.
	MADRAS REGULATIONS.	Clauses two and three.
IX of 1816...	A Regulation for reducing into one Regulation certain Rules which have been passed regarding the Office of the Zillah Magistrate, for modifying and defining his Powers, and for transferring the Office of Zillah Magistrate from the Judge to the Collector of the Zillah.	Sections three, four and five.
II of 1827...	A Regulation for constituting the Assistant Judges appointed under Regulation I, 1827, Joint Criminal Judges of the Zillahs in which they may be stationed, and for defining the Extent to which the Powers of Magistrate shall be exercised by Subordinate Collectors.	Section five.
VIII of 1827	A Regulation for granting to Native Judges Jurisdiction in Criminal Cases.	So much as has not been repealed.
I of 1830 ...	A Regulation for declaring the Practice of Suttee, or of burning or burying alive the widows of Hindoos, illegal, and punishable by the Criminal Courts.	The preamble. Section three, clause one, from "and any zemindar" to the end; clauses two and three. And sections four and five.
	BOMBAY REGULATIONS.	
XII of 1827	A Regulation for the establishment of a system of Police throughout the Zillahs subordinate to Bombay, for providing Rules for its Administration, and for defining the Duties and Powers of all Police Authorities and Servants.	Section ten, clause four.
XIII of 1827	A Regulation for defining the Constitution of Courts of Criminal Justice, and the Functions and Proceedings thereof.	Sections one, two, three, seven, eight, nine, fourteen, fifteen, clause one. Sections twenty-seven and twenty-eight.
III of 1830	A Regulation rescinding Regulations VIII. and XII. of 1828, and vesting the Criminal Judges with the Powers and Functions of Session Judges.	Sections two and six.
IV of 1830...	A Regulation rescinding such Parts of Regulation XII. of 1827 as vest the Criminal Judge with Police Jurisdiction of the Magistrate and his Assistants.	Section two.

SCHEDULE II.

Explanatory Notes.—*1st.*—The entries in the second and sixth columns of the schedule, headed respectively "Offence" and "Punishment" under the Indian Penal Code," are not intended as definitions of the offences and punishments described in the several corresponding sections of the Indian Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column.

2nd.—The term "Whether bailable or not," in column five, is to be taken in connection with the provisions of sections 212 and 213 of this Code.

3rd.—Offences may be tried by a Court superior to the Court specifically mentioned in column seven. For example, a Court of Session may try an offence entered in column seven as triable by a Magistrate.

4th.—The words "Magistrate of the District," as used in column seven, shall include any officer exercising the powers of a Magistrate.

5th.—The words "any Magistrate," as used in column seven, shall include any Subordinate Magistrate of the first or second class.

6th.—In the territories in British India to which the General Regulations of Bengal, Madras and Bombay do not extend, the powers given by this Act shall be exercised by such Officers as the Local Government of those territories respectively shall appoint.

7th.—The last part of this schedule headed "Offences against other Laws" shall not be taken to alter or affect any special provision contained in such laws regarding the procedure to be followed in the case of offences made punishable thereby.

CHAPTER V—OF ABETMENT.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	The same punishment as for the offence abetted.	By the Court by which the offence abetted is triable.
110	Abetment of any offence if the person abetted does the act with a different intention from that of the abettor.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
111	When one act is abetted and a different act is done, subject to the proviso.	Ditto ...	Ditto ...	Ditto ...	The same punishment as for the offence intended to be abetted.	Ditto.
113	When an effect is caused by the act abetted different from that intended by the abettor.	Ditto ...	Ditto ...	Ditto ...	The same punishment as for the offence committed.	Ditto.
114	If abettor is present when offence is committed ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
115	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for seven years and fine.	Ditto.
	If an act which causes harm be done in consequence of the abetment.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for fourteen years and fine.	Ditto.

CHAPTER V—OF ABETMENT—(*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
116	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	Imprisonment extending to one-fourth part of the longest term, and of any description provided for the offence, or fine, or both.	By the Court by which the offence abetted is triable.
	If the abettor or the person abetted be a public servant, whose duty it is to prevent the offence.	Ditto ...	Ditto ...	Ditto ...	Imprisonment extending to one-half of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
117	Abetting the commission of an offence by the public, or by more than ten persons.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Ditto.
118	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for seven years, and fine.	Ditto.
	If the offence be not committed	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Ditto.
119	A public servant concealing a design to commit an offence, which it is his duty to prevent, if the offence be committed.	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Imprisonment extending to one-half of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
	If the offence be punishable with death or transportation ...	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for ten years.	Ditto.
	If the offence be not committed	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Imprisonment extending to one-fourth part of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
120	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Ditto ...	Ditto ...	Ditto ...	Imprisonment extending to one-fourth part of the longest term, and of the description provided for the offence, or fine, or both.	Ditto.

	If not committed	Ditto ...	Ditto ...	Ditto ...	Imprisonment extending to one-eighth part of the longest term, and of the description provided for the offence, or fine, or both.	Ditto.

CHAPTER VI—OFFENCES AGAINST THE STATE.

121	Waging or attempting to wage war, or abetting the waging of war against the Queen.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Death, or transportation for life, and forfeiture of property.	Court of Session.
121 A.	Conspiring to commit certain offences against the State ...	...	Ditto ...	Ditto ...	Transportation for life or any shorter term, or imprisonment of either description for ten years.	Ditto.
122	Collecting arms, &c., with the intention of waging war against the Queen.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and forfeiture of property.	Ditto.
123	Concealing with intent to facilitate a design to wage war ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
124	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
124 A.	Exciting, or attempting to excite, disaffection	Ditto ...	Ditto ...	Ditto ...	Transportation for life or for any term and fine, or imprisonment of either description for three years and fine, or fine.	Ditto.
125	Waging war against any Asiatic power in alliance or at peace with the Queen, or abetting the waging of such war.	Ditto ...	Ditto ...	Ditto ...	Transportation for life and fine, or imprisonment of either description for seven years and fine, or fine.	Ditto.
126	Committing depredation on the territories of any power in alliance or at peace with the Queen.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine and forfeiture of certain property.	Ditto.
127	Receiving property taken by war or depredation, mentioned in sections 125 and 126.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
128	Public servant voluntarily allowing prisoner of State or War in his custody to escape.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
129	Public servant negligently suffering prisoner of State or War in his custody to escape.	Ditto ...	Ditto ...	Bailable ...	Simple imprisonment for three years, and fine.	Court of Session or Magistrate of the District.
130	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the recapture of such prisoner.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Court of Session.

CHAPTER VII—OFFENCES RELATING TO THE ARMY AND NAVY.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
131	Abetting mutiny, or attempting to seduce an officer, soldier, or sailor from his allegiance or duty.	May arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Court of Session.
132	Abetment of mutiny if mutiny is committed in consequence thereof.	Ditto ...	Ditto ...	Ditto ...	Death or transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
133	Abetment of an assault by an officer, soldier, or sailor on his superior officer when in the execution of his office.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
134	Abetment of such assault, if the assault is committed ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
135	Abetment of the desertion of an officer, soldier, or sailor ...	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District.
136	Harbouring such an officer, soldier, or sailor who has deserted	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
137	Deserter concealed on board merchant vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons ...	Ditto ...	Fine of five hundred rupees ...	Ditto.
138	Abetment of act of insubordination by an officer, soldier, or sailor, if the offence be committed in consequence.	May arrest without warrant.	Warrant ...	Ditto ...	Imprisonment of either description for six months, or fine, or both.	Ditto.
140	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for three months, or fine of five hundred rupees, or both.	Any Magistrate.

CHAPTER VIII—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

143	*Being* a member of an unlawful assembly.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for six months, or fine, or both.	Any Magistrate.
	Joining an unlawful assembly armed with any deadly weapon.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Ditto ...	...	Ditto ...	Ditto ...	Ditto.
147	Rioting	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
148	Rioting armed with a deadly weapon	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	According as a warrant or summons may issue for the offence.	According as the offence is bailable or not.	The same as for the offence ...	By the Court by which the offence is triable.
150	Hiring, engaging, or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged, or employed.	Ditto ...	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Ditto.
151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Ditto ...	Summons ...	Bailable ...	Imprisonment of either description for six months, or fine, or both.	Any Magistrate.
152	Assaulting or obstructing public servant when suppressing riot, &c.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one year, or fine, or both.	Any Magistrate.
	If not committed	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for six months, or fine, or both.	Ditto.
154	Owner or occupier of land not giving information of riot, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Fine of one thousand rupees ...	Magistrate of the District, or Subordinate Magistrate of First Class.
155	Person for whose benefit, or on whose behalf a riot takes place not using all lawful means to prevent it.	Ditto ...	Ditto ...	Ditto ...	Fine ...	Ditto.
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
157	Harbouring persons hired for an unlawful assembly ...	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for six months, or fine, or both.	Ditto.

CHAPTER VIII—OFFENCES AGAINST THE PUBLIC TRANQUILLITY—*(continued.)*

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
158	Being hired to take part in an unlawful assembly or riot ...	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for six months, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
	Or to go armed	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
160	Committing affray	Shall not arrest without warrant.	Summons ...	Ditto ...	Imprisonment of either description for one month, or fine of one hundred rupees, or both.	Any Magistrate.

CHAPTER IX—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
162	Taking a gratification in order by corrupt or illegal means to influence a public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
163	Taking a gratification for the exercise of personal influence with a public servant.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one year, or fine, or both.	Magistrate of the District.
164	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.

166	Public servant disobeying a direction of the law with intent to cause injury to any person.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one year, or fine, or both.	Ditto.
167	Public servant framing an incorrect document with intent to cause injury.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
168	Public servant unlawfully engaging in trade	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one year, or fine, or both.	Magistrate of the District.
169	Public servant unlawfully buying or bidding for property ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for two years, or fine, or both, and confiscation of property, if purchased.	Ditto.
170	Personating a public servant	May arrest without warrant.	Warrant ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Any Magistrate.
171	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for three months, or fine of two hundred rupees, or both.	Ditto.

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	Simple imprisonment for one month, or fine of five hundred rupees, or both.	Any Magistrate.
	If summons or notice require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Ditto.
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one month, or fine of five hundred rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
	If summons, &c., require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Ditto.
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one month, or fine of five hundred rupees, or both.	Any Magistrate.
	If the order require personal attendance, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Ditto.

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*continued.*)

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Shall not arrest without warrant.	Summons ...	Bailable ...	Simple imprisonment for one month, or fine of five hundred rupees, or both.	Court in which the offence is committed, subject to the provisions of chapter X of this Code, or if not committed in a Court, the Magistrate of the District, or Subordinate Magistrate of First Class.
	If the document is required to be produced in or delivered to a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Ditto.
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one month, or fine of five hundred rupees, or both.	Magistrate of the District.
	If the notice or information required respects the commission of an offence, &c.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Ditto.
177	Knowingly furnishing false information to a public servant ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Magistrate of the District, or Subordinate Magistrate of First Class.
	If the information required respects the commission of an offence, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
178	Refusing oath when duly required to take oath by a public servant.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Court in which the offence is committed, subject to the provisions of chapter X of this Code, or if not committed in a Court, the Magistrate of the District, or Subordinate Magistrate of First Class.
179	Being legally bound to state the truth, and refusing to answer questions.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
180	Refusing to sign a statement made to a public servant when legally required to do so.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for three months, or fine of five hundred rupees, or both.	Ditto.
181	Knowingly stating to a public servant on oath as true that which is false.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District.
182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for six months, or fine of one thousand rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one month, or fine of five hundred rupees, or both.	Ditto.
185	Bidding by a person under a legal incapacity to purchase it for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one month, or fine of two hundred rupees, or both.	Ditto.
186	Obstructing public servant in discharge of his public functions.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three months, or fine of five hundred rupees, or both.	Ditto.
187	Omission to assist public servant when bound by law to give such assistance.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one month, or fine of two hundred rupees, or both.	Ditto.
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine of five hundred rupees, or both.	Ditto.

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*continued.*)

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Shall not arrest without warrant.	Summons ...	Bailable ...	Simple imprisonment for one month, or fine of two hundred rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
	If such disobedience causes danger to human life, health or safety, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment for six months, or fine of one thousand rupees, or both.	Ditto.
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one year, or fine, or both.	Ditto.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

193	Giving or fabricating false evidence in a judicial proceeding...	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for seven years, and fine.	Court of Session.
	Giving or fabricating false evidence in any other case ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Ditto.
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or rigorous imprisonment for ten years, and fine.	Ditto.
	If innocent person be thereby convicted and executed ...	Ditto ...	Ditto ...	Ditto ...	Death, or as above	Ditto.
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years.	Ditto ...	Ditto ...	Ditto ...	The same as for the offence ...	Ditto.
196	Using in a judicial proceeding evidence known to be false or fabricated.	Ditto ...	Ditto ...	According as the offence of giving such evidence is bailable or not.	The same as for giving or fabricating false evidence.	Ditto.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto ...	Ditto ...	Bailable ...	The same as for giving false evidence ...	Ditto.
198	Using as a true certificate one known to be false in a material point.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
199	False statement made in any declaration which is by law received as evidence.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
200	Using as true any such declaration known to be false ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
	If punishable with transportation, or imprisonment for ten years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District.
	If punishable with less than ten years' imprisonment ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for one-fourth of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District or by the Court by which the offence is triable.
202	Intentional omission to give information of an offence by a person legally bound to inform.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for six months, or fine, or both.	Magistrate of the District.
203	Giving false information respecting an offence committed ...	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
204	Secreting or destroying any document to prevent its production as evidence.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
206	Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued.*)

1 Secti	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District.
209	False claim in a Court of Justice ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, and fine.	Ditto.
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
211	False charge of offence made with intent to injure ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If offence charged be capital or punishable with transportation for life, or imprisonment for seven years, or upwards.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
212	Harbouring an offender if the offence be capital ...	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for five years, and fine.	Ditto.
	If punishable with transportation for life, or with imprisonment for ten years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District.
	If punishable with imprisonment for one year, and not for ten years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment for one-fourth of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.
213	Taking gift, &c., to screen an offender from punishment, if the offence be capital.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for ten years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District.
	If with imprisonment for less than ten years ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for one-fourth of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.

214	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for ten years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
	If with imprisonment for less than ten years	Ditto ...	Ditto ...	Ditto ...	Imprisonment for one-fourth of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District or by the Court by which the offence is triable.
215	Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District.
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for ten years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
	If with imprisonment for one year and not for ten years ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for one-fourth of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.
217	Public servant disobeying a direction of law with intent to save persons from punishment, or property from forfeiture.	Shall not arrest without warrant.	Summons ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session.
219	Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision which he knows to be contrary to law.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, or fine, or both.	Ditto.
220	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, with or without fine.	Ditto.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE (*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	If punishable with transportation for life, or imprisonment for ten years.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for three years, with or without fine.	Court of Session or Magistrate of the District.
	If with imprisonment for less than ten years	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, with or without fine.	Magistrate of the District, or Subordinate Magistrate of First Class.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for fourteen years, with or without fine.	Court of Session.
	If under sentence of transportation for life, or imprisonment or penal servitude for ten years or upwards.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, with or without fine.	Ditto.
	If under sentence of imprisonment for less than ten years	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for three years, or fine or both.	Court of Session or Magistrate of the District.
223	Escape from confinement negligently suffered by a public servant.	Ditto ...	Summons ...	Ditto ...	Simple imprisonment for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If charged with an offence punishable with transportation for life, or imprisonment for ten years.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
	If charged with a capital offence	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
	If the person is sentenced to transportation for life, or to transportation, penal servitude, or imprisonment for ten years or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If under sentence of death	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
225 A.	Escape, or attempt to escape, from custody for failing to furnish security for good behaviour.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District or Subordinate Magistrate of the First Class.
226	Unlawful return from transportation	Ditto ...	Ditto ...	Ditto ...	Transportation for life, and fine and rigorous imprisonment for three years before transportation.	Court of Session.
227	Violation of condition of remission of punishment ...	Shall not arrest without warrant.	Summons ...	Ditto ...	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	By the Court by which the original offence was triable.
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Court in which the offence is committed, subject to the provisions contained in chapter X of this Code.
229	Personation of a juror or assessor	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

231	Counterfeiting or performing any part of the process of counterfeiting Coin.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for seven years, and fine.	Court of Session.
232	Counterfeiting or performing any part of the process of counterfeiting the Queen's Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
233	Making, buying, or selling instrument for the purpose of counterfeiting Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
234	Making, buying, or selling instrument for the purpose of counterfeiting the Queen's Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
235	Possession of instrument or material for the purpose of using the same for counterfeiting Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
	If Queen's Coin	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Court of Session.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS (*continued*).

1 Section	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
236	Abetting in India the counterfeiting out of British India of Coin.	May arrest without warrant.	Warrant ...	Not bailable ...	The punishment provided for abetting the counterfeiting of such coin within British India.	Court of Session.
237	Import or export of counterfeit Coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
238	Import or export of counterfeits of the Queen's Coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Court of Session.
239	Having any counterfeit Coin known to be such when it came into possession, and delivering, &c., the same to any person.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for five years, and fine.	Ditto.
240	The same with respect to the Queen's Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
241	Knowingly delivering to another any counterfeit Coin as genuine which when first possessed the deliverer did not know to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine of ten times the value of the Coin counterfeited, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
242	Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto ...	Ditto ...	Ditto	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
243	Possession of Queen's Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
244	Persons employed in a Mint causing Coin to be of a different weight or composition from that fixed by law.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
245	Unlawfully taking from a Mint any coining instrument.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
246	Fraudulently diminishing the weight or altering the composition of any Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.

247	Fraudulently diminishing the weight or altering the composition of the Queen's Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
248	Altering appearance of any Coin with intent that it shall pass as a Coin of a different description.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
249	Altering appearance of the Queen's Coin with intent that it shall pass as a Coin of a different description.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
250	Delivery to another of Coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for five years, and fine.	Ditto.
251	Delivery of Queen's Coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
252	Possession of altered Coin by a person who knew it to be altered when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
253	Possession of Queen's Coin by a person who knew it to be altered when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for five years, and fine.	Court of Session.
254	Delivery to another of Coin as genuine, which, when first possessed, the deliverer did not know to be altered.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine of ten times the value of the Coin.	Magistrate of the District, or Subordinate Magistrate of First Class.
255	Counterfeiting a Government stamp.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for ten years, and fine.	Court of Session.
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
257	Making, buying, or selling instrument for the purpose of counterfeiting a Government stamp.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
258	Sale of counterfeit Government stamp.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
259	Having possession of a counterfeit Government stamp.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
260	Using as genuine a Government stamp known to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, or fine, or both.	Ditto.
261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause wrongful loss to Government.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
262	Using a Government stamp known to have been before used.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS (*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
263	Erasure of mark denoting that stamp has been used.	May arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

264	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
265	Fraudulent use of false weight or measure.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
266	Being in possession of false weights or measures for fraudulent use.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
267	Making or selling false weights or measures for fraudulent use.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.

269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for six months, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
271	Knowingly disobeying any quarantine rule.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for six months, or fine, or both.	Ditto.
272	Adulterating food or drink for man intended for sale so as to make the same noxious.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for six months, or fine of one thousand rupees, or both.	Ditto.
273	Selling any food or drink as food and drink for man knowing the same to be noxious.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
277	Defiling the water of a public spring or reservoir.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for three months, or fine of five hundred rupees, or both.	Any Magistrate.
278	Making atmosphere noxious to health.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Fine of five hundred rupees ...	Ditto.
279	Driving or riding on a public way so rashly or negligently as to endanger human life, &c.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for six months, or fine of one thousand rupees, or both.	Ditto.
280	Navigating any vessel so rashly or negligently as to endanger human life, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Magistrate of the District, or Subordinate Magistrate of First Class.
281	Exhibition of a false light, mark, or buoy.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for seven years, or fine, or both.	Court of Session.
282	Conveying for hire any person by water in a vessel in such a state, or so loaded, as to endanger his life.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for six months, or fine of one thousand rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
283	Causing danger, obstruction, or injury in any public way or line of navigation.	Ditto ...	Ditto ...	Ditto ...	Fine of two hundred rupees ...	Ditto.
284	Dealing with any poisonous substance so as to endanger human life, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for six months, or fine of one thousand rupees, or both.	Ditto.
285	Dealing with fire or any combustible matter so as to endanger human life, &c.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto	Any Magistrate.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS. (*continued.*)

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
286	So dealing with any explosive substance.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for six months, or fine of one thousand rupees, or both.	Any Magistrate.
287	So dealing with any machinery.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto	Magistrate of the District, or Subordinate Magistrate of First Class.
288	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt from such animal.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto	Any Magistrate.
290	Committing a public nuisance.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Fine of two hundred rupees ...	Ditto.
291	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
292	Sale, &c., of obscene books, &c.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for three months, or fine, or both.	Ditto.
293	Having in possession obscene book, &c., for sale or exhibition.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
294	Obscene songs.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
294 A.	Keeping a lottery office.	Shall not arrest without warrant.	Summons ..	Ditto ...	Imprisonment of either description for six months, or fine, or both.	Any Magistrate.
	Publishing proposals relating to lotteries.	Ditto ...	Ditto ...	Ditto ...	Fine of a thousand rupees ...	Ditto.

CHAPTER XV—OFFENCES RELATING TO RELIGION.

295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District.
296	Causing a disturbance to an assembly engaged in religious worship.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one year, or fine, or both.	Ditto.
297	Trespassing in a place of worship or sepulture, disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feelings.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY.

Offences affecting life.

302	Murder.	May arrest without warrant.	Warrant ...	Not bailable ...	Death, transportation for life, and fine.	Court of Session.
303	Murder by a person under sentence of transportation for life.	Ditto ...	Ditto ...	Ditto ...	Death	Ditto.
304	Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, &c.	Ditto	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, or fine, or both.	Ditto.
304A.	Causing death by negligence.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Court of Session or Magistrate of the District.
305	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	Ditto ...	Ditto ...	Not bailable ...	Death, or transportation for life, or imprisonment for ten years, and fine.	Court of Session.
306	Abetting the commission of suicide.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
307	Attempt to murder.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If such act cause hurt to any person.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above ...	Ditto.
308	Attempt to commit culpable homicide.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for three years, or fine, or both.	Ditto.

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CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY (*continued*).

Offences affecting life (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	If such act cause hurt to any person.	May arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for seven years, or fine, or both.	Court of Session.
309	Attempt to commit suicide.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one year, and fine.	Magistrate of the District.
311	Being a thug.	Ditto ...	Ditto	Not bailable ...	Transportation for life, and fine.	Court of Session.
	Of the causing of Miscarriage; of injuries to unborn children; of the exposure of infants; and of the concealment of births.					
312	Causing miscarriage.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for three years, or fine, or both.	Court of Session.
	If the woman be quick with child.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
313	Causing miscarriage without woman's consent.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
314	Death caused by an act done with intent to cause miscarriage.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
	If act done without woman's consent.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above.	Ditto.
315	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, or fine, or both.	Ditto.
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
317	Exposure of a child under twelve years by parent or person having care of it with intention of wholly abandoning it.	May arrest without warrant.	Ditto ...	Bailable ...	Imprisonment of either description for seven years, or fine, or both.	Ditto.
318	Concealment of birth by secret disposal of dead body ...	Ditto ...	Ditto ...	Ditto ..	Imprisonment of either description for two years, or fine, or both.	Court of Session or Magistrate of the District.
	Of Hurt.					
323	Voluntarily causing hurt.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for one year, or fine of one thousand rupees, or both.	Any Magistrate.
324	Voluntarily causing hurt by dangerous weapons or means.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
325	Voluntarily causing grievous hurt.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
326	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Court of Session.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
328	Administering stupefying drug with intent to cause hurt.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for seven years, and fine.	Ditto.
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for ten years, and fine.	Ditto.
332	Voluntarily causing hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District.
333	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for ten years, and fine.	Court of Session.
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Ditto ...	Summons ...	Bailable ...	Imprisonment of either description for one month, or fine of five hundred rupees, or both.	Any Magistrate.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY (*continued*).

Of Hurt (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for four years, or fine of two thousand rupees, or both.	Court of Session, or Magistrate of the District.
336	Doing any act which endangers human life or the personal safety of others.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three months, or fine of two hundred and fifty rupees, or both.	Any Magistrate.
337	Causing hurt by an act which endangers human life, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for six months, or fine of five hundred rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
338	Causing grievous hurt by an act which endangers human life, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine of one thousand rupees, or both.	Ditto.
	Of wrongful Restraint and wrongful Confinement.					
341	Wrongfully restraining any person.	May arrest without warrant.	Summons ...	Bailable ...	Simple imprisonment for one month, or fine of five hunded rupees, or both.	Any Magistrate.
342	Wrongfully confining any person.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one year, or fine of one thousand rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
343	Wrongfully confining for three or more days.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
344	Wrongfully confining for ten or more days.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District.
345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for two years, in addition to imprisonment under any other section.	Ditto.
346	Wrongful confinement in secret.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto	Ditto.
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Ditto.
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	Of Criminal Force and Assault.					
352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for three months, or fine of five hundred rupees, or both.	Any Magistrate.
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
354	Assault or use of criminal force to a woman with intent to outrage her modesty.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
355	Assault or criminal force with intent to dishonour a person otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto	Ditto.
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant ...	Not bailable ...	Ditto	Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for one year, or fine of one thousand rupees, or both.	Ditto.
358	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	Simple imprisonment for one month, or fine of two hundred rupees, or both.	Ditto.
	Of Kidnapping, Forcible Abduction, Slavery, and forced Labour.					
363	Kidnapping.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for seven years, and fine.	Court of Session.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Kidnapping, Forcible Abduction, Slavery, and forced Labour (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
364	Kidnapping or abducting in order to murder.	May arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or rigorous imprisonment for ten years, and fine.	Court of Session.
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
368	Concealing or keeping in confinement a kidnapped person.	Ditto ...	Ditto ...	Ditto ...	Punishment for kidnapping or abduction.	Ditto.
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
370	Buying or disposing of any person as a slave.	Shall not arrest without warrant.	Ditto ...	Bailable ...	Ditto	Ditto.
371	Habitual dealing in slaves.	May arrest without warrant.	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
372	Selling or letting to hire a minor for the purpose of prostitution.	Ditto ...	Ditto ...	Ditto ...	Imprisonment for either description for ten years, and fine.	Ditto.
373	Buying or obtaining possession of a minor for the same purpose.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
374	Unlawful compulsory labour.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for one year, or fine, or both.	Any Magistrate.

Of Rape.

376	Rape.	May arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Court of Session.

Of Unnatural Offences.

377	Unnatural offences.	May arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Court of Session.

CHAPTER XVII—OF OFFENCES AGAINST PROPERTY.

Of Theft.

379	Theft.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for three years, or fine, or both.	Any Magistrate.
380	Theft in a building, tent, or vessel.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
381	Theft by clerk or servant of property in possession of master or employer.	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session, or Magistrate of the District.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retiring after committing it, or to retaining property taken by it.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for ten years, and fine.	Court of Session.

Of Extortion.

384	Extortion.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
385	Putting or attempting to put in fear of injury, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.

CHAPTER XVII—OF OFFENCES AGAINST PROPERTY—(*continued*).

Of Extortion (continued).

Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
386	Extortion by putting a person in fear of death or grievous hurt.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for ten years, and fine.	Court of Session.
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for ten years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
	If the offence threatened be an unnatural offence.	Ditto ...	Ditto ...	Ditto ...	Transportation for life.	Ditto.
389	Putting person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment for ten years, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
	If the offence be an unnatural offence.	Ditto ...	Ditto ...	Ditto ...	Transportation for life.	Ditto.

Of Robbery and Dacoity.

392	Robbery.	May arrest without warrant.	Warrant ...	Not bailable ...	Rigorous imprisonment for ten years, and fine.	Court of Session, or Magistrate of the District.
	If committed on the highway between sunset and sunrise.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for fourteen years, and fine.	Ditto.
393	Attempt to commit robbery.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for seven years, and fine.	Ditto.
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person generally concerned in such robbery.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for ten years, and fine.	Court of Session.
395	Dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
396	Murder in dacoity.	Ditto ...	Ditto ...	Ditto ...	Death, transportation for life, or rigorous imprisonment for ten years, and fine.	Ditto.
397	Robbery or dacoity with attempt to cause death or grievous hurt.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for not less than seven years.	Ditto.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
399	Making preparation to commit dacoity.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for ten years, and fine.	Ditto.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above ...	Ditto.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for seven years, and fine.	Ditto.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

Of Criminal Misappropriation of Property.

403	Dishonest misappropriation of moveable property or converting it to one's own use.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Any Magistrate.
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District.
	If by clerk or person employed by deceased.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.

Of Criminal Breach of Trust.

406	Criminal breach of trust.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.

CHAPTER XVII—OFFENCES AGAINST PROPERTY—(*continued*).

Of Criminal Breach of Trust (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
407	Criminal breach of trust by a carrier, wharfinger, &c.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for seven years, and fine.	Court of Session, or Magistrate of the District.
408	Criminal breach of trust by a clerk or servant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
409	Criminal breach of trust by public servant, or by banker, merchant, or agent, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.

Of the receiving of Stolen Property.

411	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for ten years, and fine.	Court of Session.
413	Habitually dealing in stolen property.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
414	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.

Of Cheating.

417	Cheating.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for one year, or fine, or both	Magistrate of the District, or Subordinate Magistrate of First Class.
418	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
419	Cheating by personation.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
420	Cheating and thereby dishonestly inducing delivery of property, or the alteration or destruction of a valuable security.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session, or Magistrate of the District.

Of Fraudulent Deeds and Dispositions of Property.

421	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
424	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

Of Mischief.

426	Mischief.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for three months, or fine, or both.	Any Magistrate.

CHAPTER XVII—OFFENCES AGAINST PROPERTY—*(continued)*.

Of Mischief (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
427	Mischief, and thereby causing damage to the amount of fifty rupees or upwards.	Shall not arrest without warrant.	Warrant ...	Bailable ..	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
428	Mischief by killing, poisoning, maiming or rendering useless, any animal of the value of ten rupees or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
429	Mischief by killing, poisoning, maiming or rendering useless, any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of fifty rupees or upwards.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for five years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
430	Mischief by causing diminution of supply of water for agricultural purposes, &c.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto	Ditto.
431	Mischief by injury to public road, bridge, river or navigable channel, and rendering it impassable or less safe for travelling, or conveying property.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
432	Mischief by causing inundation or obstruction to public drainage attended with damage.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
433	Mischief by destroying or moving or rendering less useful a light-house or sea-mark, or by exhibiting false lights.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, or fine, or both.	Court of Session.
434	Mischief by destroying or moving, &c., a landmark fixed by public authority.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
435	Mischief by fire or explosive substance with intent to cause damage to amount of one hundred rupees or upwards.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
436	Mischief by fire or explosive substance, with intent to destroy a house, &c.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of twenty tons burden.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
438	The mischief described in the last section when committed by fire or any explosive substance.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
439	Running vessel ashore with intent to commit theft, &c. ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
440	Mischief committed after preparation made for causing death or hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for five years, and fine.	Ditto.

Of Criminal Trespass.

447	Criminal trespass.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for three months, or fine of five hundred rupees, or both.	Any Magistrate.
448	House-trespass.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for one year, or fine of one thousand rupees, or both.	Ditto.
449	House-trespass in order to the commission of an offence punishable with death.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or rigorous imprisonment for ten years, and fine.	Court of Session.
450	House-trespass in order to the commission of an offence punishable with transportation for life.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
451	House-trespass in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for two years, and fine.	Any Magistrate.
	If the offence is theft.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for seven years, and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
452	House-trespass, having made preparation for causing hurt, assault, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
453	Lurking house-trespass or house-breaking.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, and fine.	Magistrate of the District, or Subordinate Magistrate of First Class.

CHAPTER XVII—OFFENCES AGAINST PROPERTY—(*continued*).

Of Criminal Trespass (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
	If the offence is theft.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Court of Session.
456	Lurking house-trespass or house-breaking by night.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for five years, and fine.	Ditto.
	If the offence is theft.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for fourteen years, and fine.	Ditto.
458	Lurking house-trespass or house-breaking by night after preparation made for causing hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Court of Session.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.

CHAPTER XVIII—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.

465	Forgery.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Court of Session.
466	Forgery of a record of a Court of Justice or of a Register of Births, &c., kept by a public servant.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for seven years, and fine.	Ditto.
467	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
	When the valuable security is a promissory note of the Government of India.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto.	Ditto.
468	Forgery for the purpose of cheating.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for three years, and fine.	Ditto.
471	Using as genuine a forged document which is known to be forged.	Ditto ...	Ditto ...	Ditto ...	Punishment for forgery	Ditto.
	When the forged document is a promissory note of the Government of India.	May arrest without warrant.	Ditto ...	Not bailable ...	Ditto	Ditto.
472	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for seven years, and fine.	Ditto.
473	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under section 467 of the Indian Penal Code, or possessing with like intent any such seal, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
474	Having possession of a document, knowing it to be forged, with intent to use it as genuine.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XVIII—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS—*(continued)*.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	If the document is a valuable security or will.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or as above ...	Court of Session.
475	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting a will, &c.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for seven years, and fine.	Ditto.
	Of Trade and Property-Marks.					
482	Using a false trade or property-mark with intent to deceive or injure any person.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
483	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
484	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District.
485	Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trademark.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Ditto.
486	Knowingly selling goods marked with a counterfeit property or trademark.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
488	Making use of any such false mark.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
489	Removing, destroying, or defacing any property-mark with intent to cause injury.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
	CHAPTER XIX—OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.					
490	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for one month, or fine of one hundred rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind, or disease, and voluntarily omitting to do so.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three months, or fine of two hundred rupees, or both.	Ditto.
492	Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and there voluntarily deserting the service or refusing to perform the duty.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one month, or fine of double the expense incurred, or both.	Ditto.
	CHAPTER XX—OFFENCES RELATING TO MARRIAGE.					
493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for ten years, and fine.	Court of Session.
494	Marrying again during the life-time of a husband or wife	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for seven years, and fine.	Ditto.

CHAPTER XX—OFFENCES RELATING TO MARRIAGE—(*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for ten years, and fine.	Court of Session.
496	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
497	Adultery.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for five years, or fine, or both.	Ditto.
498	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District.

CHAPTER XXI—OF DEFAMATION.

500	Defamation.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Simple imprisonment for two years, or fine, or both.	Court of Session, or Magistrate of the District.
501	Printing or engraving matter knowing it to be defamatory.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XXII—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

504	Insult intended to provoke a breach of the peace.	Shall not arrest without warrant.	Warrant ..	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Any Magistrate.
505	False statement, rumours, &c., circulated with intent to cause mutiny or offences against the public peace.	Ditto ...	Ditto ...	Not bailable ...	Ditto	Magistrate of the District.
506	Criminal intimidation.	Ditto ...	Ditto ...	Bailable ...	Ditto	Magistrate of the District, or Subordinate Magistrate of First Class.
	If threat be to cause death or grievous hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, or fine, or both.	Court of Session, or Magistrate of the District.
507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, in addition to the punishment under above section.	Ditto.
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District.
509	Uttering any word or making any gesture intended to insult the modesty of a woman.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one year, or fine, or both.	Ditto.
510	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for twenty-four hours, or fine of ten rupees, or both.	Any Magistrate.

CHAPTER XXIII—OF ATTEMPTS TO COMMIT OFFENCES.

511	Attempting to commit offences punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the Police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	Transportation or imprisonment not exceeding half of the longest term and of the description provided for the *offence, or fine,* or both.	By the Court by which the offence attempted is triable.

OFFENCES AGAINST OTHER LAWS.

	If punishable with death, transportation, or imprisonment for seven years or upwards.	May arrest without warrant.	Warrant ...	Not bailable ...	.....	Court of Session.
	If punishable with imprisonment for more than three and less than seven years.	Ditto ...	Ditto ...	Ditto ...	.....	Court of Session, or Magistrate of the District.
	If punishable with imprisonment for three years or less than three years.	Shall not arrest without warrant.	Summons ...	Bailable ...	.....	Magistrate of the District, or Subordinate Magistrate of First Class.
	If punishable with fine only or with imprisonment for less than one year.	Ditto ...	Ditto ...	Ditto ...	.....	Any Magistrate.

STATEMENT OF OBJECTS AND REASONS.

The Commissioners appointed by Her Majesty to prepare a body of substantive law for India issued, on the 11th June 1870, a seventh Report relating to the revision of the Code of Criminal Procedure. After making some remarks on Act VIII of 1869, by which the Code was last year amended, the report proceeds to make observations upon certain points submitted for the opinion of the Commissioners by the Secretary of State for India. It adds certain other suggestions as to the improvement of the Code, and it concludes by the following observations:—

"We have endeavoured by this Report to complete the revision of the Code of Criminal Procedure in the manner which appears to have been contemplated by the local Government of India.

"We should not have adopted this method of executing the duty entrusted to us if Act VIII of 1869 had not been passed, but the existing state of the law, as altered by the provisions of that Act, has, in our opinion, rendered this the most expedient course.

"A short Act may be passed, embodying the required provisions on the points regarding which we have reported.

"In that case the original Code, XXV of 1861, with the Act VIII of 1869, and such new Act, would contain the whole law.

"Should it, however, be thought more convenient to consolidate the whole law of procedure in a single Act, this could be effected without difficulty by a process little more than mechanical."

A draft Bill has been prepared, founded upon this Report, but it was impossible to draw it without perceiving that partly by reason of the originally defective arrangement of the Code, and partly by reason of successive amendments made with little reference to its arrangement, the Code was so ill-arranged and obscure that it appeared highly desirable to take the opportunity of re-arranging it in an intelligible and consecutive manner. No doubt there is a strong *primâ facie* objection to the alteration of the arrangement of an Act of the first importance, with which most of those who have to administer it have become familiar by practice. The evil, however, is very serious, as the following account of the existing state of the Act will show.

The natural order of arrangement obviously is to follow the course of a criminal trial from the first steps for the apprehension of the offender to the execution of the final order of the Court, and to treat separately of exceptional incidents or detached subjects. To a certain extent this order has been followed in the Code as it stands, but deviations from it have been so frequent that it is extremely difficult for any one to derive from the mere perusal of the Code any connected view of the subject. To appreciate this fully the whole Code as it stands should be read; but some illustrations may be given.

The chapters relating to the prevention of offences, XVIII to XXII, are interposed between the chapters relating to proceedings before Magistrates and trials by the Court of Session. Chapter XVII, which precedes this parenthesis, provides that places where trials are to be held shall be open Courts, and chapter XXIII, which follows it, relates to Jurors and Assessors. Chapter XXIV, which relates to Judges in the Madras Presidency, is strangely prefixed to trials in the Court of Session (chapter XXVI). This is as strangely followed by a chapter (XXVII) about lunatics, the provisions as to the jurisdiction of the Sadr Courts being postponed. So that a student wishing to follow out the course of trial has to skip six chapters in order to learn what happens when a man is committed for trial, and then to skip a seventh chapter in order to learn about the course of appeal.

There is a chapter (III) on Preliminary Rules near the beginning, and another (XXXI) on General Rules at the end, which deal, utterly without any arrangement, with all sorts of subjects which ought to find a place of their own in the Act. Thus, section 43 in the Preliminary Rules provides that witnesses are to be examined on oath, and section 44 that the Court may apply portions of fine in compensation for damages. As for the General Rules, section 431 provides for the employment of interpreters; section 432 gives accused persons a right to be defended by counsel; and section 433 provides for the confinement of youths in reformatories.

The arrangement of the sections is as strange as that of the chapters. Thus, for instance—and it is only one instance—chapter XXIII, on Jurors and Assessors, is thus arranged: sections 322 and 323 prescribe the cases in which trials are to be by jury; section 324 relates to trials by assessors; sections 325-7 settle the composition of juries when Europeans or Americans are tried, and 328 the 'number of voices necessary to a verdict'. So far, the arrangement, though not good, is intelligible; but then come a series of provisions (329—340) about jury-lists, and

the attendance of jurymen; after which come provisions (341—8) about the trial, including objections by the accused or the prosecution, which obviously ought to have preceded section 328. Section 349, which is very long, goes back to summoning juries. Section 351 returns to the subject of majorities, which had been provided for in part by section 328. The confusion is so great that a person coming fresh to the subject would have to read the chapter over several times before it presented to his mind any clear notion.

Where a plan is followed, it is a bad one. Thus, proceedings before Magistrates are put together; but instead of beginning with the simplest (summons cases) and going on to the most serious (commitment cases), this order is inverted.

The most complicated case is put first and the simplest last, and the whole Code has, in consequence, to be disfigured by continual cross-references. Thus, for instance, the mode in which evidence is to be taken in all cases is prescribed in the chapter about commitments, and certain sections in that chapter are embodied by reference in three other chapters, consecutively, with variations.

It would be easy to multiply, to any extent, illustrations of the entire want of arrangement which disfigures the Code, but these are enough. This is not a mere matter of taste. It is of the very highest practical importance in the administration of justice that the course of proceedings prescribed should be easily apprehended as a whole, and that it should be capable of being learnt with the greatest possible ease by those who are to administer it. It must be remembered, in particular, that the Codes have an educational as well as a merely practical value. Judicial officers learn, and are meant to learn, their business in the first instance from the Codes themselves, and it is waste of valuable time to make them needlessly difficult and intricate.

The Code has accordingly been re-arranged, and the draft now published differs from the existing law principally in the fact that it has been so re-arranged.

The first leading distinction recognized in that draft is between those provisions which relate to—

(1) The trial of offenders;

(2) The prevention of the commission of crime or continuance of illegal conduct.

It is divided into eleven Parts, of which

nine relate to the punishment of crimes;

one to the prevention of crimes; and

one to miscellaneous matters.

The Parts relating to the punishment of crimes are as follows.

Part I deals with the jurisdiction of the Courts in four chapters. They regulate—

the ordinary jurisdiction of the Courts as to crimes (chapter 1):

the special jurisdiction with which Local Governments in their discretion may invest particular officers, especially Magistrates (chapter 2):

jurisdiction as it varies with respect to persons (chapter 3). This chapter includes all provisions relating to European British subjects, and to offenders liable to be tried for offences committed in Native States or elsewhere. The opportunity has been taken of repealing Act I of 1849, remodelling some of its provisions which are objectionable and even of questionable validity, and introducing the amended provisions in what would seem to be their proper place:

jurisdiction as it varies with respect to place, or, as an English lawyer would say, the law of venue (chapter 4):

Part II deals with proceedings of which the object is to compel the appearance of suspected persons. It contains five chapters upon the following subjects:—

a preliminary enquiry by the Police (chapter 1);

a complaint in order to the issue of a summons or warrant (chapter 2);

a summons in slight cases (chapter 3);

a warrant in cases of more importance (chapter 4);

arrest without warrant in cases in which delay would be dangerous (chapter 5).

Part III deals with the treatment of the suspected person, whose appearance has been secured by one of the modes prescribed in Part II.

It begins by laying down the general rules that in all Criminal Courts whatever, the accused may be defended by Counsel, and that the places where inquiries and trials are held are open Courts (chapter 1).

It then points out the method of procedure in cases dealt with in a summary way by Magistrates on summons (chapter 2),

or in cases of greater importance, upon warrant, or committed for trial to the Sessions (chapter 3).

As any of the proceedings described in chapters 2 or 3 may, under certain circumstances, be conducted by Subordinate Magistrates, chapter 4 lays down the rules which are to obtain on this subject.

chapter 5 deals with trials before the Court of Session:

chapter 6 states the duties of assessors and jurors in such trials.

Part IV carries on the subject of trial by prescribing the action of the High Courts upon the Courts of first instance. This may be secured either by the act of the party, or by the act of the law, or by the act of the Court. Accordingly

chapter 1 relates to appeals, which depend upon the party:

chapter 2 relates to reference in capital cases, which is a process prescribed by the law:

chapter 3 relates to revision, which is exercised by the High Court in its discretion. As revision is carried on by means of the inspection of returns, and with reference to rules of procedure laid down by the High Court, the sections which empower it to issue such rules and call for such returns are embodied in this chapter.

The ordinary process of inquiry, trial, and final confirmation or reversal of the sentence by the High Court being now complete, the next matter to be considered is the execution of the judgment of the Court.

Accordingly, Part V deals with execution. It prescribes the mode in which warrants to execute sentences are to be issued, and lays down rules as to the levy and application of fines; as to whipping, respecting which four sections have been transferred to this place from Act VI of 1864; as to the infliction of imprisonment; the confinement of young persons in reformatories, and the execution of sentences of transportation and death. Finally, it contains a section as to pardon by which punishments may be remitted.

Part VI relates to the subject of evidence, and includes in separate chapters provisions as to general rules of evidence, the mode of taking down the evidence of witnesses, and the examination of accused persons, summonses to witnesses, and search-warrants.

Part VII relates to proceedings incidental to the inquiry and trial, the ordinary course of which has been thus provided for. These are—

bail, the formation of lists of jurors and assessors, and their attendance.

These rules are necessary to enable trials to be held by the Courts of Session. A few miscellaneous rules, which regulate the mode of disposing of property taken by the Police, warrants of commitment, the allowance of expenses of witnesses, and the employment of interpreters are contained in Part VII, chapter 3.

These are the usual incidents of inquiry and trial; but a person under trial may be insane, or the orders of the Court may be disobeyed. Part VIII, on exceptional incidents, deals with these cases in chapter 1, which relates to lunatics, and chapter 2 which relates to contempts.

The manner of holding trials being now provided for, together with the common and exceptional processes incidental to them, the next subject is what, to borrow a phrase from English law, is called criminal pleading, that is to say, all that relates to written documents by which the questions to be tried are defined, and the result recorded.

These matters are regulated by Part IX.

chapter 1 relates to the charge or indictment;

chapter 2 to the finding, judgment, and sentence; and

chapter 3 to certain cases in which prosecutions cannot be instituted without the consent of specified persons. This completes that part of the Act which relates to the punishment of offences.

We come next to the provisions relating to the prevention of crime, which form the subject of Part X. They are—

security for keeping the peace (chapter 1);

security for good behaviour (chapter 2);

the abatement of nuisances (chapter 3);

settlement of questions about possession (chapter 4);

maintenance of wives and families (chapter 5).

Lastly, Part XI consists of three sections, prescribing the procedure in miscellaneous criminal cases and proceedings, and saving certain exceptional jurisdictions.

Only three important alterations have been made in the substance of the Code.

Firstly, section 47 confers summary jurisdiction on Full Power Magistrates in the Mofussil, who are also Justices of the Peace, over offences committed by European British subjects, on which a summons ordinarily issues in the first instance. It authorizes the infliction of a fine not exceeding rupees 500, and in default of payment, imprisonment for a term not exceeding two months. This is intended to replace 53 Geo. III cap. 155, section 105, Act VII of 1853, and Act XXV of 1861, section 42.

Secondly, section 176 (= section 226 of Act XXV) provides that where the accused is an European British subject, the committing Magistrate shall ask him whether he wishes to be tried by the High Court or the Court of Session. If the accused wishes to be tried by the High Court, he will be sent for trial accordingly. If he wishes to be tried by the Court of Session, the Magistrate will send the accused for trial to such one of these Courts as he thinks fit.

Thirdly, the provisions relating to the number of jurymen by whom a verdict may be given have been changed in accordance with the suggestion of the Commissioners. For the present cumbrous system, section 217 substitutes the simple rule that unanimity or a majority of not less than two-thirds with the concurrence of the Judge, shall be followed by conviction, and any other result by acquittal.

The following minor additions and alterations have been made:—

To section 17 (=section 21 of Act XXV) has been added a clause declaring that Justices of the Peace not being Magistrates shall be guided by the provisions of the Code.

Section 21 embodies Act XXIX of 1845, which gives power to appoint, in the Presidency of Bombay, Joint Sessions Judges.

Section 25 (= Act X of 1854, section 1) empowers Magistrates in charge of divisions of Districts in Bengal to receive and try certain charges unreferred.

Sections 39 and 40 (= Act XXVIII of 1867, sections 1 and 2) validates processes signed by certain Magistrates in Petty Sessions.

Sections 48 to 54 (inclusive), as to offences in Foreign States, embody, as above remarked, the provisions of Act I of 1849. But the new sections apply only to subjects of Her Majesty and to persons who within a year before or after the commission of the offence with which they are charged have dwelt for six months within British India, and the offence must have been committed within territory included in or adjacent to some part of British India.

Section 62 (=section 32 of Act XXV) provides expressly that enquiry into the offences of thuggee and dacoity may be made in any District in which the accused happens to be when charged or arrested.

In section 108 (=section 71 of Act XXV) words have been introduced to show how the summons should be served on the accused.

To section 137 (=section 100 of Act XXV) a clause has been added empowering the Police to arrest without warrant deserters from the army. This is now the law in the Bombay Presidency, but not, apparently, elsewhere in British India.

In section 172 (=the second sentence of section 250 of Act XXV) words have been introduced showing that the Magistrate must be competent to try the offence and think he ought to try it.

To section 209 (=section 346 of Act XXV) a clause has been added requiring in all cases the jurors to be sworn.

Section 266 provides for the case of a sentenced prisoner being ill or pregnant. The new clause is modelled on Bombay Regulation XIV of 1827, section 3, clause 2.

Section 292 empowers the Local Governments to direct the evidence of complainants to be taken down in the Magistrate's vernacular. The corresponding section (196) of Act XXV applies only to the evidence of witnesses.

In section 352 (=section 329 of Act XXV) power is given to the Local Government to appoint an officer (other than the Collector) to make out the list of jurors and assessors.

To section 449 (=section 301 of Act XXV), which provides that, in default of giving security for good behaviour, the defaulter shall be committed to prison, a clause has been added providing that the imprisonment may be rigorous or simple, as the Court of Session in each case directs.

To section 457 (=section 63 of Act XXV, as to injunctions against public nuisances) has been added a clause expressly barring appeals against orders under that section.

Section 465 (= section 315 of Act XXV) saves Bombay Act VIII of 1867, section 16.

Section 466 (= section 318 of Act XXV) is extended to cases in which the disputing parties are in joint possession.

Section 469 (= Bengal Regulation XI of 1824, sections 2 and 3) provides for making local inquiries in order to determine boundary-disputes.

Various minor changes in wording, &c., have been made. Chapter XXIV has been omitted as useless; and certain recommendations of the Indian Law Commissioners have been reserved for careful consideration in Committee.

SIMLA;
The 27th August 1870.

J. F. STEPHEN.

WHITLEY STOKES,
Secretary to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th December 1870, and was referred to a Select Committee with instructions to make their report thereon in a month :—

No. 34 OF 1870.

THE INDIAN PAPER CURRENCY BILL, 1870.

CONTENTS.

PREAMBLE.

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   Local extent.
   Commencement.
2. Acts repealed.

II.—The Department of Issue.

3. Functions of Department of Issue.
4. Head Commissioner.
   Commissioners at Madras and Bombay.
5. Power to establish Circles of Issue.
6. Deputy Commissioners.
7. Subordination of Commissioners and Deputy Commissioners.
8. Appointment, suspension, and removal of officers.

III.—Supply and Issue of Notes.

9. Head Commissioner to provide and distribute notes.
   Notes where payable.
10. Signatures to notes.
11. Issue of notes for silver.
    Proviso.
12. Issue of notes for gold.
13. Expense of melting and assaying bullion received for notes.
    Loss of weight.
14. Certificates for bullion.
    Contents of certificate.
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IV.—Reserve.

16. Bullion received for notes to be kept as a reserve.
    Except amount fixed as minimum limit of circulation.
17. Investment of such amount.
    Appropriation of coin, bullion and securities.
    Sale or exchange of bullion and foreign coin.
18. Trustees of securities purchased under Act.
19. Power to sell such securities.
    Power to replace them.
20. Interest on such securities to be entered in a separate account.
    "Profits of Notes Circulation."
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V.—Miscellaneous.

21. Monthly abstracts of accounts.
22. Description of notes in indictments.
23. Prohibition of issue of private bills or notes payable to bearer on demand.
    Exception in favour of cheques.
24. Penalty for issuing such bills or notes.
25. Supplementary powers of the Government of India.

A BILL TO CONSOLIDATE THE LAW RELATING TO THE GOVERNMENT PAPER CURRENCY.

WHEREAS it is expedient to consolidate the law relating to the Government Paper Currency; It is

Preamble.

enacted as follows :—

I.—Preliminary.

Short title.

1. This Act may be called "The Indian Paper Currency Act, 1870."

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force on the passing thereof.

Acts repealed.

2. The Acts mentioned in the schedule hereto annexed are repealed.

All appointments made, rules prescribed, circles of issue established, notifications published, and notes issued under any such Act shall be deemed to be respectively made, prescribed, established, published and issued under this Act.

II.—The Department of Issue.

Functions of Department of Issue.

3. There shall continue to be a Department of the public service, to be called the Department of Issue, whose function shall be the issue of promissory notes of the Government of India payable to bearer on demand, for such sums, not being less than ten rupees, as the Governor General in Council from time to time directs.

Head Commissioner.

4. At the head of such Department shall be an officer called the Head Commissioner of the Department of Issue, and two other officers, called, respectively, the Commissioner of the Department of Issue at Madras and the Commissioner of the Department of Issue at Bombay.

Commissioners at Madras and Bombay.

Power to establish Circles of Issue.

5. The Governor General in Council may from time to time, by order published in the *Gazette of India*,

establish Districts, to be called Circles of Issue, three of which circles shall include the Towns of Calcutta, Madras and Bombay, respectively,

appoint in each circle some one city or town to be the place of issue of notes, as hereinafter provided,

establish in such city or town an Office or Offices of Issue, and

declare that, for the purposes of this Act, any such city or town (other than Calcutta, Madras or Bombay) shall be deemed to be situate within each Presidency as is specified in the order.

Deputy Commissioners.

6. For each Circle of Issue other than those which include the Towns of Calcutta, Madras and Bombay, there shall be an officer called the Deputy Commissioner of Issue.

Subordination of Commissioners and Deputy Commissioners.

7. For the purposes of this Act, the Commissioners at Madras and Bombay shall be subordinate to the Head Commissioner :

the Deputy Commissioners in the Presidency of Fort William in Bengal shall be subordinate to the Head Commissioner; and

the Deputy Commissioners in the Presidencies of Fort St. George and Bombay shall be subordinate to the Commissioners of Madras and Bombay, respectively.

Appointment, suspension, and removal of officers.

8. All officers under this Act shall be appointed, and may be suspended or removed, by the Governor General in Council.

III.—Supply and Issue of Notes.

Head Commissioner to provide and distribute notes.

9. The Head Commissioner of Issue shall provide promissory notes of the Government of India payable to bearer on demand, of the denominations prescribed under this Act, and shall supply the Commissioners at Madras and Bombay, and the several Deputy Commissioners with such notes as they require for the purposes of this Act.

Notes where payable.

All such notes shall bear upon them the name of the city or town from which they are severally issued, and shall be payable only—

at the Office or Offices of Issue of such city or town, and

at the presidency town of the Presidency within which such city or town is situate.

Signatures to notes.

10. The name of the Head Commissioner, of either of the Commissioners, of a Deputy Commissioner, or of some other person authorized by the said Head Commissioner, or by either of the said Commissioners, to sign notes issued under this Act, shall be subscribed to every such note, and may be impressed thereon by machinery.

Names so impressed shall be taken to be valid signatures to all intents and purposes.

Issue of notes for silver.

11. The Head Commissioner, the Commissioners, and the Deputy Commissioners shall, in their respective Circles of Issue, on the demand of any person, issue from the Office or Offices of Issue established in their respective Circles, promissory notes of the denominations prescribed under this Act, on the terms following :—

First, in exchange for the amount thereof in current silver coin of the Government of India; or,

Secondly, in exchange for the amount thereof in silver bullion or foreign silver coin at the rate of nine hundred and seventy-nine rupees per thousand tolas of silver fit for coinage and of the standard fineness prescribed by the Indian Coinage Act, 1870 :

Provided that in all places where there is no Mint of the Government of India, any such Head Commissioner, Commissioners, and Deputy Commissioners, may refuse to issue notes in exchange for silver bullion or foreign coin under this section.

Proviso.

12. The Governor General in Council may from time to time, by order published in the *Gazette of India*, direct that notes to an extent to be specified in the order, not exceeding one-fourth of the total amount of issues represented by coin and bullion as herein provided, shall be issued at such Offices of Issue as are named in the order, in exchange for gold coin of full weight of the Government of India or for foreign gold coin or gold bullion, at the rates and according to the rules and conditions fixed by such order.

Issue of notes for gold.

13. The Head Commissioner, Commissioners, and Deputy Commissioners may require any bullion or foreign coin received under section eleven or section twelve, to be melted and assayed. Any loss of weight caused by such melting or assay shall be borne by the person tendering the bullion or coin.

Expense of melting and assaying bullion received for notes.

Loss of weight.

14. Every person so tendering bullion or foreign coin and depositing it in any Office of Issue shall, after the expiration of the time necessary for melting and assaying the same, be entitled to receive therefor a certificate signed by the person authorized to issue the notes aforesaid.

Certificates for bullion.

Contents of certificate. Such certificate shall—

(*a*) acknowledge the receipt of such bullion or foreign coin,

(*b*) state the amount of promissory notes of the Government of India, or of such notes and cash, to which the holder is entitled in exchange for such bullion or coin,

(*c*) state the interval on the expiration of which, if the certificate be presented to such office, the holder shall be entitled to receive such amount.

15. Within any of the said Circles of Issue a note issued under this Act from any Office of Issue in such Circle, shall be a legal tender to the amount expressed in such note, in payment or on account of—

Notes where legal tender.

any revenue or other claim to the amount of ten rupees and upwards due to the Government of India,

any sum of ten rupees and upwards due by the Government of India, or by any body corporate or person in British India :

Provided that no such note shall be deemed to be a legal tender by the Government of India at any Office of Issue.

IV.—Reserve.

16. The whole amount of the coin and bullion received under this Act for notes shall be retained and secured as a reserve to pay such notes, with the exception of such an amount, not exceeding sixty millions of rupees, as the Governor General in Council, with the consent of the Secretary of State for India, from time to time fixes.

Bullion received for notes to be kept as a reserve.

Except amount fixed as minimum limit of circulation.

17. The amount so fixed shall be published in the *Gazette of India* and the whole or such part thereof as the Governor General in Council from time to time fixes shall be invested in securities of the Government of India: the said coin, bullion, and securities shall be appropriated and set apart to provide for the satisfaction and discharge of the said notes; and the said notes shall be deemed to have been issued on the security of the coin, bullion, and securities so appropriated and set apart, as well as on the general credit of the Government:

Investment of such amount.

Appropriation of coin, bullion, and securities.

Provided that any silver bullion or foreign coin received under this Act may be sold or exchanged for silver coin of the Government of India, and that any gold coin or bullion received under this Act may be sold or exchanged for silver coin or bullion to be so appropriated and set apart instead of the gold coin or bullion.

Sale or exchange of bullion and foreign coin.

For the purposes of this section, silver bullion and coin shall be rated at ninety-eight rupees per hundred tolas, and gold bullion and coin at the rates fixed by the Governor General in Council under section twelve.

18. The Government securities so purchased shall be held by the Head Commissioner and the Master of the Mint at Calcutta, in trust for the Secretary of State for India in Council.

Trustees of securities purchased under Act.

19. The Head Commissioner may, at any time when ordered so to do by the Governor General in Council, sell and dispose of any portion of the above-mentioned limited amount of Government securities.

Power to sell such securities.

For the purpose of effecting such sales, the Master of the Mint at Calcutta shall, on a request in writing from the Head Commissioner, at all times sign and endorse such Government securities, as the said Head Commissioner, if so directed by the Governor General of India in Council, may purchase Government Securities to replace such sales.

Power to replace them.

20. The interest accruing due on the securities purchased and held under this Act shall be entered in a separate account, to be annually rendered by the

Interest on such securities to be entered in a separate account.

Head Commissioner to the Governor General in Council.

The amount of such interest shall from time to time, as it becomes due, be paid to the credit of the Government of India, under the head of "Profits of Notes Circulation," and an account showing the amount of such profits and of the charges and expenses incidental thereto, shall be made up and published annually in the *Gazette of India*.

"Profits of Notes Circulation."

Annual account.

V.—Miscellaneous.

21. An abstract of the accounts of the Department of Issue showing—

the whole amount of notes in circulation,

the amount of coin and bullion reserved, distinguishing gold from silver, and

the amount of the Government Securities held by the said Department,

shall be made up monthly in Calcutta, and published as soon as may be in the *Gazette of India*.

Monthly abstracts of accounts.

22. All notes issued under this Act shall be deemed to be promissory notes of the Government of India, and may be described as promissory notes of the Government of India in all indictments, and in criminal and civil proceedings.

Description of notes in indictments.

23. No body corporate or person in British India shall draw, accept, make or issue any bill of exchange, hundí, promissory note or engagement for the payment of money payable to bearer on demand, or borrow, owe, or take up any sum or sums of money on the bills, hundís or notes payable to bearer on demand, of any such body corporate or of any such person:

Prohibition of issue of private bills or notes payable to bearer on demand.

Provided that cheques or drafts payable to bearer on demand or otherwise, may be drawn on bankers, shroffs, or agents, by their customers or constituents, in respect of deposits of money in the hands of such bankers, shroffs, or agents, and held by them at the credit and disposal of the persons drawing such cheques or drafts.

Exception in favour of cheques.

24. Any body corporate or person committing any offence under section twenty-three shall, on conviction before a Magistrate, be liable to a penalty to the amount of the bill, hundí, note or engagement in respect whereof the offence is committed.

Every prosecution under this section shall be instituted by the Head Commissioner, Commissioner, or Deputy Commissioner, as the case may be, of the Circle of Issue in which such bill, hundí, note or engagement is drawn, accepted, made or issued.

Penalty for issuing such bills or notes.

Supplementary Powers.

25. The Governor General in Council may from time to time, by notification in the *Gazette of India*—

Supplementary powers of the Government of India.

(1) fix the amounts (not being less than ten rupees) for which notes shall be issued under this Act,

(2) alter the limits of any of the said Circles of Issue,

(3) declare the places at which notes shall be issued under this Act,

(4) fix the rates, rules and conditions at and according to which gold may be taken in exchange for Government promissory notes,

(5) fix the charge for melting and assaying bullion and foreign coin received for Government promissory notes,

(6) fix the interval on the expiration of which holders of certificates under section fourteen shall be entitled to receive Government promissory notes,

(7) regulate any matters relative to Paper Currency which are not provided for by this Act,

(8) revoke or alter any notification previously made under this Act.

Every such notification shall come into force on the day therein in that behalf mentioned, and shall have effect as if it were enacted in this Act:

Provided that no notification under clause four of this section shall have effect until six months have elapsed from the date of its appearance in the *Gazette of India*.

SCHEDULE.

Number and year of Act.	Title.
XIX of 1861 ...	An Act to provide for a Government Paper Currency.
XXIV of 1861 ...	An Act to enable the Banks of Bengal, Madras and Bombay to enter into arrangements with the Government for managing the issue, payment and exchange of Government Currency Notes and certain business hitherto transacted by the Government Treasuries.
I of 1866 ...	An Act to amend Act XIX of 1861 (*to provide for a Government Paper Currency.*)
XXX of 1867 ...	An Act to amend Act XIX of 1861 (*to provide for a Government Paper Currency.*)
XV of 1870 ...	An Act for the further amendment of Act No. XIX of 1861.

STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to consolidate the law relating to the Government Paper Currency, which is now contained in four Acts, XIX of 1861, I of 1866, XXX of 1867, and XV of 1870. The opportunity has been taken to repeal the obsolete Act XXIV of 1861, and to improve the arrangement and wording of the existing law.

R. TEMPLE.

The 19th November 1870.

WHITLEY STOKES,
Secy. to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th December 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 35 OF 1870.

EMIGRATION OF NATIVE LABOURERS' BILL.

CONTENTS.

PREAMBLE.

I.—Preliminary.

SECTIONS.

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   Local extent.
   Commencement of Act.
2. Acts repealed.
3. Interpretation-clause.

II.—Emigration Agents.

4. Appointment of Emigration Agents.
5. Remuneration of Agents.

III.—Protectors of Emigrants and Medical Inspectors.

6. Appointment of Protectors of Emigrants.
7. No Protector to hold other office without permission.
8. General duties of Protectors of Emigrants.
   Inspecting vessels with return Emigrants.
9. Appointment of Medical Inspector.
10. Depôts to be established in Calcutta, Madras and Bombay.
11. Licensing of depôts.
12. Inspection by Protector and Medical Inspector.
13. Report to be made by Medical Inspector.
14. Protectors and Medical Inspectors to be deemed public servants.
15. And to have facilities for inspections, &c.

IV.—Recruiters of Labourers.

16. Protector of Emigrants to license Recruiters.
17. Recruiter's license.
18. Duration and cancelment of license.
19. Form of license, and fee therefor.
20. Recruiter to wear badge.
21. Countersignature of recruiter's license.

V.—Contracts with Emigrant Labourers.

22. Contracts for labour out of India unlawful, except under this Act.
23. Places for emigration to which contracts may be made with Natives.
24. Power to legalize emigration to other places.
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25. Contracts may be made for emigration to such other places.
26. From what ports emigration lawful.

VI.—Registration of Emigrants.

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    Examination and registration.
28. Copy of registration to be sent to Emigration Agent and Protector.
29. Registration of Emigrants recruited in presidency towns.
30. Copy of registration by Protector to be forwarded to Agent.
31. Fee for registration.

VII.—Conveyance of Emigrants to Depôts.

32. Conveyance of Emigrant to depôt.
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33. Arrival at depôt to be reported.
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SECTIONS.

35. When emigrant to be sent back to place of registration.
36. Failure of Emigration Agent to pay sum required to enable Emigrant to return.
37. Duty of Emigration Agent.
    Refusal of Agent, without consent of Protector, to be bound by contract made by Recruiter.
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38. After examination and Medical Inspector's certificate, Emigration Agent to grant a pass.
39. Protector of Emigrants to attend personally at examination and passing.
    And to countersign pass.

IX.—Emigrant Vessels.

40. Emigrant not to be received on board an unlicensed ship.
    Application for license.
    Contents of license.
    Survey of vessel.
    Report after survey, and certificate to Master.
    Bond to be executed by Master.
41. Space and accommodation required on board Emigrant ships.
42. Provisions, fuel and water.
    Surgeon, medicines and stores.
    Supply of water for vessel destined to call at intermediate port.
    Supply in vessel fitted with distilling apparatus.
    Protector and Inspector of Emigrants to ensure compliance with above provisions.
43. Supply of extra clothing.
44. Certificates from Protector of Emigrants and from Emigration Agent.

X.—Embarkation.

45. Emigrants refusing to embark.
    Proviso.
46. Time of sailing for places east of Cape of Good Hope.
    For other places.
47. Emigrant unfit to undertake voyage.
48. Provisions of Act to be explained.
49. Procedure on embarkation.
    Emigrant to give his pass to Master.
    Protector to be personally present.
    One copy of list of Emigrants given to Protector, to be signed and returned to Master.
    Emigrant not having pass not to be allowed to remain on board.
    Pass to be returned to Emigrant on arrival at place of destination.
50. Copy of list of Emigrants to be signed by Emigration Agent and returned to Master.
    And by him to be delivered at place of destination.
51. Protector to send list of Emigrants to Government of place to which they sail.
52. Vessel sailing from Calcutta to depart within twenty-four hours of embarkation.
53. Vessels sailing from Calcutta to be towed to sea.
54. Copies of Act and rules to be kept on board.
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First Schedule. (Acts repealed.)
Second Schedule. (Form of Recruiter's license.)
Third Schedule. (Convention as to emigration to French Colonies.)

A BILL TO CONSOLIDATE THE LAWS RELATING TO THE EMIGRATION OF NATIVE LABOURERS.

Preamble.

WHEREAS it is expedient to consolidate the laws relating to the Emigration of Native Labourers; It is hereby enacted as follows:—

I.—Preliminary.

Short title.

1. This Act may be called "The Indian Emigration Act, 1871."

Local extent.

It extends to the whole of British India;

Commencement of Act.

And it shall come into force on the passing thereof.

Acts repealed.

2. The Acts mentioned in the first schedule hereto annexed are repealed. All contracts entered into, appointments made, and licenses granted, under any of the said Acts, shall be deemed to be respectively entered into, made and granted under this Act.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context:—

"Emigrate." "Emigrant."

The word "Emigrate" denotes the departure of any Native of India out of British India for the purpose of labouring for hire in some other place; and the word "Emigrant" shall denote any Native of India under engagement to emigrate:

"The Magistrate of the District."

The words "the Magistrate of the District" denote any officer exercising in such District the full powers of a Magistrate:

"Vessel."

The word "vessel" includes anything made for the conveyance by water of human beings or property.

II.—Emigration Agents.

Appointment of Emigration Agents.

4. The Government of every place to which emigration is lawful under this Act may, from time to time, appoint a person to act as Emigration Agent in Calcutta, Madras and Bombay respectively, but such nomination shall be subject to the approval of the Local Government.

Every Emigration Agent may be suspended or removed by the Government which appointed him.

Remuneration of Agents.

5. The remuneration to be given to Emigration Agents shall not depend upon, or be regulated by, the number of Emigrants sent by such Agents, but shall be in the nature of a fixed annual salary.

III.—Protectors of Emigrants and Medical Inspectors.

Appointment of Protectors of Emigrants.

6. The Local Government may appoint a proper person to act as Protector of Emigrants at each of the three ports aforesaid, and may with the sanction of the Governor General of India in Council assign to such person such salary and establishment as shall be deemed proper.

Every Protector of Emigrants may be suspended or removed by the Local Government to which he is subordinate.

No Protector to hold other office without permission.

7. No Protector of Emigrants appointed under this Act shall, except with the permission of the Local Government, hold any other office under Government, or follow any other profession or occupation.

General duties of Protectors of Emigrants.

8. Every Protector of Emigrants, in addition to any special duties assigned to him by this Act, shall, so far as is in his power, generally protect and aid with his advice or otherwise all Emigrants, and shall cause all the provisions of this Act to be duly complied with.

Inspecting vessels with return Emigrants.

He shall also inspect on arrival all vessels bringing return Emigrants to the port at which he is Protector, and enquire into the treatment received by such Emigrants both during the period of their service in the place to which they emigrated and also during the voyage, and shall make a report thereon to the Local Government,

and he shall aid and advise such return Emigrants so far as he reasonably can when called upon by them to do so.

Appointment of Medical Inspector.

9. At each of the three ports aforesaid, the Local Government may appoint a competent person to be Medical Inspector of Emigrants; and may, with the sanction of the Governor General of India in Council, assign to the Medical Inspector so appointed such salary as is deemed proper.

Depôts to be established in Calcutta, Madras and Bombay.

10. In each of the Towns of Calcutta, Madras and Bombay, or in the suburbs of those Towns, the Emigration Agent of every place to which emigration is lawful under this Act, shall establish a suitable depôt for the persons engaged as labourers for such place.

Licensing of depôts.

11. Every depôt shall be licensed by the Protector of Emigrants, after being inspected and approved of by him and by the Medical Inspector of Emigrants.

No license shall be in force for a longer period than a year, and any license may be cancelled by the Protector of Emigrants if he considers that the depôt for which it was granted is unhealthy or in any respect has become unsuitable for the purpose for which the depôt was established.

For every license granted under this section there shall be paid to the Protector a fee of fifteen rupees.

Inspection by Protector and Medical Inspector.

12. Every Protector of Emigrants and every Medical Inspector of Emigrants shall from time to time, and at least once in every week, inspect the Emigrants in the various depôts for the reception of Emigrants about to embark from the port at which they are Protector and Medical Inspector respectively, and examine into the state of the depôts, and the manner in which the Emigrants are therein lodged, fed, clothed and otherwise provided for and attended to.

Report to be made by Medical Inspector.

13. The Medical Inspector shall report to the Protector of Emigrants any circumstance which may come to his knowledge, showing that the depôt is not suitable for its purpose, or that the Emigrants are treated with any neglect or oppression.

Protectors and Medical Inspectors to be public servants.

14. Every Protector of Emigrants and every Medical Inspector of Emigrants shall be a public servant within the meaning of the Indian Penal Code.

And to have facilities for inspections, &c.

15. Every Emigration Agent, and all persons in charge of or employed in any depôt, or in any vessel licensed to carry Emigrants as hereinafter provided, shall give the Protector and the Medical Inspector every facility for making such inspections, examinations and surveys as may be necessary or proper under this Act, and shall afford them all such information as may be reasonably required by them.

IV.—Recruiters of Labourers.

Protector of Emigrants to license Recruiters.

16. The Protector of Emigrants at each of the three ports aforesaid, and the British Consular Agent at each of the French ports in India, shall license so many fit persons as to him seems necessary, to be Recruiters of labourers,

and no person shall act or be employed as a Recruiter of labourers except under a license from a Protector of Emigrants or British Consular Agent.

Recruiter's license.

17. Every Recruiter shall be licensed to obtain labourers for some particular place to which emigration is lawful under this Act, and no license to obtain labourers for any place shall be granted except on the application of the Emigration Agent of such place.

Duration and cancelment of license.

18. No license shall be in force for a longer period than one year; and in case of misconduct on the part of any Recruiter, the Protector of Emigrants may cancel his license before the expiration of the period for which it was granted.

Form of license, and fee to be paid.

19. Every license shall be in the form set forth in the second schedule hereto annexed.

For every license there shall be paid to the Protector a fee of fifteen rupees.

Recruiter to wear badge.

20. Every person holding a license as a Recruiter of labourers shall wear a badge bearing the following inscription in English and in the vernacular language of the Town, District or Districts in which he is licensed to engage labourers:—"Recruiter of Emigrants for the Mauritius" *(or other place as the case may be)*.

Countersignature of Recruiter's license.

21. No Recruiter shall engage or attempt to engage labourers in any District or in the Towns of Calcutta, Madras or Bombay, without having first exhibited his license to the Magistrate of such District, or a Magistrate of such Town, and obtained the countersignature of such Magistrate thereupon.

Such countersignature shall be given, provided that the license is in force at the time.

V.—Contracts with Emigrant Labourers.

Contracts for labour out of India unlawful, except under this Act.

22. Except under and in conformity with the provisions of this Act, it shall not be lawful to make any contract with any Native of India for labour to be performed in any place beyond British India, or to enable any Native of India to emigrate, or to assist any Native of India in emigrating:

provided that nothing in this Act shall apply—

to any contract with any Native of India for labour to be performed in any Foreign Settlement on the mainland of India or in any Native State in India;

to emigration to any such Settlement or State;

to any contract for labour to be performed in, or to emigration to, the Island of Ceylon; or

to any contract with or the emigration of any Native seaman or other person who of his

own free will contracts to navigate or serve on board of any vessel or who embarks on board such vessel in pursuance of such contract, or any person who contracts to serve as a menial servant only, and who embarks as such menial servant.

Places for emigration to which contracts may be made with Natives.

23. Contracts may be made with Natives of India to emigrate—

to any of the British Colonies of Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, Natal, St. Kitts and Seychelles;

to any of the French Colonies of Réunion, Martinique, Guadeloupe and its dependencies, and Guiana,

and to the Danish Colony of St. Croix;

and it shall be lawful to enable or assist any Native of India to emigrate to any such Colony.

Power to legalize emigration to other places.

24. The Governor General in Council may, from time to time, by notification published in the *Gazette of India*, declare that the emigration of Natives of India shall be lawful to any place other than the places mentioned in section twenty-three:

Proviso.

provided that every such notification contain also a declaration, that the Governor General in Council has been duly certified that the Government of the place to which the notification refers has made such laws and other provisions as the Governor General in Council thinks sufficient for the protection of Natives of India emigrating to such place.

Contracts may be made for emigration to such other places.

25. From the date of any such notification contracts may be made with any Native of India for labour to be performed in any place to which emigration is authorized in the notification, and it shall be lawful to enable or assist any Native of India to emigrate to such place;

but all contracts and emigration under such notification shall be made and conducted subject to the provisions of this Act.

From what ports emigration lawful.

26. Emigration shall not be lawful except from the port of Calcutta, the port of Madras or the port of Bombay.

VI.—Registration of Emigrants.

Natives engaging to emigrate to appear before Magistrate.

27. Every Native of India, who in any place other than the Towns of Calcutta, Madras or Bombay, enters into any engagement with a Recruiter to emigrate, shall, before leaving the District within which the engagement was entered into, appear with the Recruiter before the Magistrate of such District, and no Recruiter shall remove such Emigrant from the said District until he has so appeared.

Examination and registration.

Upon so appearing, the Magistrate shall examine the intending Emigrant with reference to his engagement; and if it appears that he understands the nature of the engagement he has entered into and that he is willing to fulfil the same, the Magistrate shall register in a book to be kept for the purpose, in such form as the Local Government prescribes,

(*a*) the name, name of the father, and the age, of such Emigrant,

(*b*) the name of the village or place of which such Emigrant is a resident,

(*c*) the Emigration depôt to which it is intended he shall proceed, and

(*d*) the rate of wages and period of service, if any, agreed upon between the Emigrant and the Recruiter.

If the Magistrate thinks that the intending Emigrant does not understand the nature of the engagement, or has been induced to enter into the engagement by fraud or misrepresentation, he shall refuse to register his name.

A copy of every registration under this section, written on substantial paper which shall not require a stamp, shall be furnished by the Magistrate to the Emigrant registered.

Copy of registration to be sent to Emigration Agent and Protector.

28. Authentic copies of every such registration shall be forthwith forwarded by the Magistrate to the Emigration Agent at the depôt to which the person named therein has been engaged to proceed, and to the Protector of Emigrants at the intended port of embarkation.

Registration of Emigrants recruited in presidency towns.

29. Every Native of India, who in the towns of Calcutta, Madras or Bombay, enters into any engagement with a Recruiter to emigrate, shall, within forty-eight hours of making such engagement, appear with the Recruiter before the Protector of Emigrants in such town; and no Recruiter shall remove such Emigrant from the said town, or to any Emigration depôt, until he has so appeared.

Upon his so appearing, the Protector of Emigrants shall examine the intending Emigrant with reference to his engagement; and if it appears that he understands the nature of the engagement he has entered into and that he is willing to fulfil the same, the Protector of Emigrants shall register in a book to be kept for the purpose, in such form as the Local Government prescribes,

(*a*) the name, the name of the father, and the age of such Emigrant,

(*b*) the name of the village or place of which such Emigrant is a resident,

(*c*) the Emigration depôt to which it is intended he shall proceed, and

(*d*) the rate of wages and period of service, if any, agreed upon between the Emigrant and the Recruiter.

If the Protector of Emigrants thinks that the intending Emigrant does not understand the nature of the engagement, or has been induced to enter into the engagement by fraud or misrepresentation, he shall refuse to register his name.

A copy of every registration under this section, written on substantial paper which shall not require a stamp, shall be furnished by the Protector to the Emigrant registered.

Copy of registration by Protector to be forwarded to Agent.

30. An authentic copy of every such registration shall be forthwith forwarded by the Protector to the Emigration Agent of the place for which the person named therein has been engaged.

Fee for registration by Protector.

31. For the registration of every Emigrant under section twenty-seven or twenty-nine, the Recruiter shall pay to the Magistrate or the Protector of Emigrants, as the case may be, a fee of one rupee and eight annas.

On proof of the desertion of any Emigrant before embarkation, the fee paid in respect of such Emigrant may be refunded by the Magistrate or the Protector to the Recruiter by whom it was paid, under such rules as are from time to time made in that behalf by the Governor General of India in Council.

VII.—Conveyance of Emigrants to Depôts.

Conveyance of Emigrant to depôt.

32. (1.) Every Emigrant recruited under the provisions of this Act shall be conveyed by land or river with all convenient despatch to the depôt, at the port of embarkation, established by the Emigration Agent of the place to which such Emigrant has contracted to emigrate.

Emigrants to be accompanied by Recruiter.

(2.) The registered Emigrants engaged by any Recruiter shall, while proceeding to a depôt, be accompanied throughout the journey either by the Recruiter himself or by a competent person appointed by him with the approval of the Magistrate by whom the Emigrants have been registered. The Magistrate shall give to the person so appointed a certificate under his signature, stating that he has been appointed for the journey to the depôt.

Recruiter to provide suitable food and lodging.

(3.) Every Recruiter by or through whom Emigrants may be forwarded to a depôt shall, throughout their journey, provide them with suitable lodging and food.

VIII.—Arrival at Depôts and Procedure thereon.

Arrival at depôt to be reported.

33. The arrival of each Emigrant at a depôt shall immediately be reported by the person in charge of the depôt to the Emigration Agent, and by such Agent to the Protector of Emigrants.

Copy of registration to be shewn to Medical Inspector.

34. The copy of the registration of every Emigrant, received by the Emigration Agent from the Magistrate or from the Protector of Emigrants, shall as soon as conveniently may be after the arrival of the Emigrant be shewn to the Medical Inspector of Emigrants; and the Emigrant shall be examined by the Medical Inspector to ascertain if he is in a fit state of health to emigrate to the place to which he has contracted to proceed.

Emigrants to be inspected by him.

The Medical Inspector, if satisfied of his fitness, shall give a certificate thereof to the Emigration Agent: if satisfied of his unfitness, he shall give a certificate thereof to the Protector of Emigrants.

When emigrant to be sent back to place of registration.

35. If the Medical Inspector certifies that any Emigrant is not in a fit state of health to emigrate to the place to which he has contracted to proceed,

or if any irregularity has occurred in the recruitment of any Emigrant,

the Protector of Emigrants may order the Emigration Agent in whose depôt such Emigrant may be, forthwith to pay to him, the Protector of Emigrants, such reasonable sum as is necessary to enable the labourer to return to the place where he was registered, and the Protector may take any steps he thinks necessary for the conveyance of the labourer to such place.

Failure of Emigration Agent to pay sum required to enable emigrant to return.

36. On failure of the Emigration Agent for twenty-four hours to comply with an order of the Protector for the payment of any such sum, the Protector may pay the same to or on behalf of the Emigrant.

Every sum so disbursed shall be recoverable by the Protector, with six per cent. interest from the date of disbursement, from the Emigration Agent on whose default it is paid, as money paid to the use of such Emigration Agent.

No further proof shall be required by any Court in any such case than that the Protector gave the Emigration Agent an order to pay such money, and that the Emigration Agent for a space of twenty-four hours made default in complying therewith.

Provided that every Emigrant who, from his state of health, is, in the opinion of the Medical Inspector, unfit to undertake the journey back to the place where he was registered, shall, in addition to his being conveyed back at the expense of the Emigration Agent, be entitled to continue in the depôt and to be fed, clothed, lodged and attended to there, by and at the expense of the Emigration Agent, until such time as the Protector otherwise orders.

Duty of Emigration Agent.

37. The Emigration Agent, in the presence of the Protector of Emigrants and within forty-eight hours after the arrival of each Emigrant at the depôt, shall ascertain by personal communication with such Emigrant whether or not he has been properly fed and otherwise properly treated on his journey to the depôt.

The Emigration Agent shall also, in the presence of the Protector and within such time as aforesaid, examine the copy of the registration furnished to the Emigrant under section twenty-seven or section twenty-nine. If for any reason further enquiry be necessary, such enquiry shall be made forthwith.

Unless the Emigration Agent, with the consent of the Protector, refuses to recognize or to be bound by the contract entered into by the Recruiter with the Emigrant, as shown by the copy of the registration produced by the Emigrant, such copy, if it be a copy furnished under section twenty-seven, shall be countersigned by both the Emigration Agent and the Protector, and if it be a copy furnished under section twenty-nine shall be countersigned by the Emigration Agent alone. The copy so countersigned, under whichever section it may have been furnished, shall be delivered back to the Emigrant.

If the Emigration Agent, without the consent of the Protector, refuses to be bound by the contract entered into by the Recruiter with the Emigrant, the Protector may thereupon order the Emigration Agent forthwith to pay to him, the Protector of Emigrants, such reasonable sum as is necessary to enable the Emigrant to return to the place where he was registered. On failure of the Emigration Agent to pay such sum within twenty-four hours of his being ordered so to do, the Protector may pay the same to or on behalf of the Emigrant. All the provisions of section thirty-six as to sums paid by the Protector shall apply, so far as the circumstances of the case permit, to sums paid by him under this section.

Refusal of Agent, without consent of Protector, to be bound by contract made by Recruiter.

The Protector shall also, in every case in which it seems to him proper to do so, institute a suit on behalf of the Emigrant against the Emigration Agent, for the recovery of damages for the breach of contract committed by the Emigration Agent.

Suits against Emigration Agent.

In every such suit, the contract entered into by the Recruiter shall be deemed to have been entered into by and to be binding on the Emigration Agent.

38. After the examination mentioned in section thirty-seven, and if the Medical Inspector has given a certificate of the fitness of the Emigrant to emigrate, the Emigration Agent shall deliver to the Emigrant a pass, countersigned by the Protector of Emigrants as hereinafter provided, stating the name and the age of the Emigrant and the name of his father, and certifying that he is in a fit state of health to emigrate to the place to which he has contracted to go.

After examination and Medical Inspector's certificate, Emigration Agent to grant a pass.

39. The Protector of Emigrants shall attend personally at the examination and passing of Emigrants by the Emigration Agent under sections thirty-seven and thirty-eight, and shall see that the Emigration Agent makes all such enquiries of the Emigrants as it may be his duty to make.

Protector of Emigrants to attend personally at examination and passing.

If such Protector is satisfied with such enquiries, but not otherwise, he shall countersign the pass delivered by the Emigration Agent.

And to countersign pass.

IX.—Emigrant Vessels.

40. (1.) It shall not be lawful to receive any Emigrant on board any vessel unless a license to carry Emigrants in such vessel has been obtained from the Local Government. The granting or withholding any such license shall be in the discretion of the Local Government.

Emigrant not to be received on board an unlicensed ship.

(2.) The Master or owner of any vessel who desires to obtain a license to carry Emigrants in such vessel, shall apply in writing through the Protector of Emigrants to the Local Government for such license.

Application for license.

(3.) Every such application shall state the number of men, women, and children proposed to be carried, and the tonnage and other particulars respecting the vessel.

Contents of license.

(4.) The Protector of Emigrants shall cause the vessel to be carefully surveyed by a competent person, with a view to ascertain her sea-worthiness and the extent and nature of her accommodation for Emigrants, and to ascertain that she is properly ventilated and is supplied with all the requisite tackle for her voyage.

Survey of vessel.

(5.) The Protector of Emigrants shall make a full report on the survey to the Local Government; and if he is of opinion that the vessel is in all respects suitable for the carrying of Emigrants under this Act, but not otherwise, he shall give a certificate to that effect to the Master of the vessel.

Report after survey, and certificate to Master.

(6.) In consideration of his obtaining a license to carry Emigrants, the Master of every vessel intended to carry Emigrants shall, upon the requisition of the Protector of Emigrants and before any Emigrant embarks on board of such vessel, execute in duplicate a bond, in such form as the Local Government prescribes, binding himself and his owners in a penal sum of ten thousand rupees to conform to the several conditions in this Act provided. The Protector of Emigrants shall require the Master to execute such bond as aforesaid in duplicate, and shall forward one copy of it to the Government of the place to which the Emigrants are to be carried (or in the case of a French colony to the British Consular Agent at such colony) and the other copy of it to the Local Government.

Bond to be executed by Master.

41. (1.) No certificate under section forty shall be granted, unless there be provided for the Emigrants, either between decks or in cabins on the upper deck firmly secured and entirely covered in, a space devoted to their exclusive use. Such cabins and space between decks shall in every part have a height of not less than five feet and a half.

Space and accommodation required on board Emigrant ships.

(2.) No compartment shall take more than one adult Emigrant for every twelve superficial feet on deck, and for every cubic space of seventy-two feet, or more than one child who has completed two and has not completed ten years of age for every eight superficial feet on deck.

(3.) A distinct and separate place shall be fitted up for a hospital in every Emigrant vessel.

(4.) Women and children shall occupy a compartment of the vessel distinct and separate from the compartments of the single men.

(5.) An Emigrant above the age of ten years shall, for the purposes of this Act, count as an adult, and two children from one to ten years of age shall count as one adult.

42. (1.) There shall be actually laden and on board of every vessel carrying Emigrants, at the time of the departure of such vessel from the port at which they embark,

Provisions, fuel and water.

(a.) good and wholesome provisions for the use and consumption of the said Emigrants (over and above the victualling of the Captain, officers and crew, and of the cabin and other passengers, if any) in such quantity and of such description and quality as may be prescribed by any rule framed by the Governor General of India in Council under section fifty-six,

(b.) fuel for cooking such provisions, and

(c.) a supply of water, to the amount of seven gallons for every week of the probable length of the voyage for every Emigrant on board such vessel. Such water shall be carried in tanks or casks to be approved by the Protector of Emigrants. When casks are used, they shall be sweet and tight, of sufficient strength, and if of wood properly charred inside, and shall not be capable severally of containing more than three hundred gallons each: the staves of the water-casks shall not be made of fir, pine or soft wood.

(2.) Every such vessel shall, at the time of departure aforesaid, have actually on board and shall carry with her a properly qualified European or Native Surgeon, and such medicines and other stores in such quantity and of such quality as may be prescribed by rules made under section fifty-six.

Surgeon, medicines, and stores.

(3.) When any vessel is destined to call at a port or place in the course of her voyage for the purpose of filling up her tanks or casks, a supply of water at the rate hereinbefore mentioned, for every week of the probable length of the voyage to such port or place shall be deemed to be a compliance with this section.

Supply of water for vessel destined to call at intermediate port.

The probable length of the voyage to such port or place shall be determined from time to time by the Protector of Emigrants, subject to the approval of the Local Government.

(4.) When any such vessel is fitted with Normandy's apparatus, or other apparatus approved by the Protector of Emigrants, for distilling sea-water, and with proper and sufficient means for working the same, a reduction shall be allowed of one-third in the quantity of water required under this section.

Supply in vessel fitted with distilling apparatus.

(5.) The Protector of Emigrants and the Medical Inspector of Emigrants shall see personally that all the provisions of this section are complied with.

Protector and Inspector of Emigrants to ensure compliance with above provisions.

43. Before any vessel carrying Emigrants clears out for any place westward of the Cape of Good Hope, between the first day of March and the fifteenth day of September, the Protector of Emigrants shall personally see that every Emigrant is supplied with at least one extra double blanket, and that the same is placed with his other clothing or luggage.

Supply of extra clothing.

Every Emigrant shall be allowed to make use of such double blanket so long as the vessel is outside of the tropics.

44. Before any vessel licensed to carry Emigrants shall be cleared out from the port of Calcutta, Madras or Bombay, the Master of such vessel shall obtain from the Protector of Emigrants at the port of clearance, and from the Emigration Agent for the place to which the Emigrants are intended to proceed, certificates, under the hands of such Protector and Emigration Agent respectively, to the effect following, that is to say:—that such Protector and Emigration Agent have, in respect of the Emigrants proceeding in such vessel, done all that is hereinbefore required to be done on the part of such Protector and Emigration Agent respectively; and that all the directions herein contained for ensuring the health, comfort and safety of the Emigrants have been duly complied with, as well as all such rules as the Governor General in Council from time to time frames under section fifty-six.

Certificates from Protector of Emigrants and from Emigration Agent.

X.—Embarkation.

45. If any Emigrant without sufficient cause refuses or neglects to embark when called upon by the Emigration Agent so to do, it shall not be lawful to compel such Emigrant to embark or to put him on board-ship against his will, or to detain him against his will at the depôt or elsewhere: but nothing in this section shall diminish or affect the civil or criminal liabilities, which such Emigrant incurs by reason or in respect of his refusal or neglect aforesaid.

Emigrants refusing to embark.

Proviso.

Every case in which an Emigrant is charged before a Magistrate of a Presidency Town with refusing or neglecting to embark without sufficient cause, shall be heard and determined by such Magistrate in a summary manner, and every such labourer shall, on conviction, be punished in the manner provided in section four hundred and ninety-two of the Indian Penal Code for the punishment of offences under that section.

46. Emigrants may leave India for any place East of the Cape of Good Hope to which emigration is lawful under this Act, at all times of the year.

Time of sailing for places East of Cape of Good Hope.

For any such place West of the Cape of Good Hope, Emigrants may leave only between the thirty-first of July and the sixteenth of March, unless they embark in vessels using steam-power, in which case they may leave at any time of the year.

For other places.

Provided that, in cases of emergency, the Lieutenant Governor of Bengal may permit Emigrants for any place West of the Cape of Good Hope to leave the port of Calcutta between the thirty-first day of July and the first day of April.

47. The Protector of Emigrants shall, from the report of the Medical Inspector and by personal communication with every Emigrant before embarkation, ascertain that the Emigrant is in good health and not incapacitated from labour by old age, bodily infirmity, or disease.

Emigrant unfit to undertake voyage.

If the Protector of Emigrants is of opinion that any Emigrant is in a state of health which makes him unfit to undertake the voyage on which he is about to embark, the Protector shall refuse to permit his embarkation.

The Protector of Emigrants shall also, before the embarkation of any Emigrant, ascertain that

he has in his possession the copy of the registration provided under section twenty-seven or section twenty-nine.

If it appear to the satisfaction of the Protector of Emigrants that any Emigrant has lost such copy, the Protector may furnish such Emigrant with another copy of such registration, to be made from the copy received by the Protector from the Magistrate under section twenty-seven or from the Register kept by himself under section twenty-nine, and shall thereupon allow such Emigrant to embark.

48. The Protector of Emigrants shall explain to all Emigrants, prior to their embarkation, the substance of the provisions of this Act so far as they immediately affect such Emigrants.

Provisions of Act to be explained.

49. (1.) When any Emigrants are about to embark on any vessel, the Emigration Agent for the place to which they are intended to proceed shall furnish the Master of the vessel with five copies of a list, specifying, as accurately as may be, the names, ages and occupations, and the names of the fathers, of the Emigrants about to embark on board such vessel.

Procedure on embarkation.

(2.) On embarkation, every Emigrant shall deliver to the Master of the vessel the pass granted to him under section thirty-eight; and the Master shall not receive any Emigrant on board unless he delivers up such pass. The Master shall compare the Emigrants who embark and the passes delivered by them with the list furnished by the Emigration Agent, and if the list appear to be correct, and to correspond with the passes delivered and with the Emigrants embarked, the Master shall sign the five copies of the list.

Emigrant to give his pass to Master.

(3.) The Protector of Emigrants shall be personally present at the embarkation of all Emigrants, and shall see that the Master duly compares the list with the passes and Emigrants, and he shall himself also compare the list with the passes and Emigrants.

Protector to be personally present.

(4.) When the copies of the list have been signed, the Master shall give two copies to the Protector of Emigrants, who shall sign such copies if he believes them to be correct, and shall return one copy to the Master of the vessel: the other copy shall be filed in the office of the Protector of Emigrants.

One copy of list of Emigrants given to Protector, to be signed and returned to Master.

(5.) The Protector of Emigrants shall not permit any Emigrant to remain on board who has not a pass, or is not mentioned in the list aforesaid.

Emigrant not having pass not to be allowed to remain on board.

(6.) Every pass delivered up to the Master of a vessel under this section shall be returned by him to the Emigrant by whom the same was delivered up, prior to such Emigrant disembarking on the arrival of the vessel at her place of destination.

Pass to be returned to Emigrant on arrival at place of destination.

50. The Master of every vessel carrying Emigrants shall, after the embarkation of the Emigrants and before the departure of the vessel, give to the Emigration Agent at the port from which such vessel is cleared out two others of the five copies of the list of Emigrants mentioned in section forty-nine, duly signed by the Master.

Copy of list of Emigrants to be signed by Emigration Agent and returned to Master.

The Emigration Agent shall thereupon sign such copies, and shall return to the Master one of the said copies, which shall, on the arrival of the vessel at the place of destination and previous to the disembarkation of any Emigrant, be delivered by the Master to the Protector of Emigrants, or other the proper officer, at such place.

And by him to be delivered at place of destination.

51. The Protector of Emigrants shall, by every vessel which carries Emigrants, send to the Protector of Emigrants or other the proper Government Authority at the place for which the Emigrants embark, a correct and detailed list of all Emigrants embarked in such vessel, compiled from the passes of the Emigrants and from the list signed by the Master as aforesaid.

Protector to send list of Emigrants to Government of place to which they sail.

52. The Master of every vessel carrying Emigrants from the port of Calcutta shall proceed on his voyage and depart with his vessel from Garden Reach within twenty-four hours after the embarkation of such of the Emigrants as shall have first embarked.

Vessel sailing from Calcutta to depart within twenty-four hours of embarkation.

53. Every vessel sailing from the port of Calcutta with Emigrants shall proceed from Garden Reach to sea under tow of a competent steamer.

Vessels sailing from Calcutta to be towed to sea.

54. Two copies of this Act and of all rules made by the Governor General of India in Council under section fifty-six, and two copies of a translation of this Act and of such rules, in such language or languages as the Local Government may direct, shall be delivered to the Master of every vessel carrying Emigrants by the Emigration Agent at the time of clearance, and shall be kept on board of every such vessel during the whole voyage.

Copies of Act and rules to be kept on board.

One of such copies or translations shall, upon request made at any reasonable time to the Master of the vessel, be produced to any Emigrant or passenger for his perusal.

55. In case of sickness breaking out on board of any vessel conveying Emigrants to Seychelles, such Emigrants may be taken to the quarantine-station of Mauritius.

Taking emigrants for Seychelles to quarantine-station of Mauritius.

In such case the Emigrants may, at their option, contract for service at Mauritius, or may proceed to Seychelles.

If they elect to contract for service in Mauritius, such Emigrants shall then be regarded and treated,

in all respects, as if they had emigrated to Mauritius under the provisions of this Act.

XI.—Supplementary Powers.

56. The Governor General of India in Council may from time to time make rules consistent with this Act,—

Power of the Governor General in Council to make rules.

(1.) To regulate the proportion of women to be taken with Emigrants, and the age below or above which children shall not be taken;

(2.) To prescribe the description, quantity and quality of provisions to be taken by vessels carrying Emigrants, the daily allowance of food and water to be issued to each Emigrant during the voyage, and the nature and amount of clothing which shall be supplied to the Emigrants;

(3.) To provide for the medical care of Emigrants during their residence at the depôts and on their voyages;

(4.) To prescribe the nature, quality and quantity of medical drugs and other stores to be carried on board such vessels;

(5.) To provide for the ventilation and cleanliness of such vessels during their voyages, and for their being furnished with a sufficient number of suitable boats for use in case of shipwreck or fire;

(6.) To provide for a journal being kept, by the Surgeon of every such vessel, of the health of the Emigrants, and of his treatment of the sick, together with full explanations of the causes of every death;

(7.) And generally to provide for the security, well-being, and protection of Emigrants.

All such rules shall be published in the *Gazette of India* and shall have effect as if they were contained in this Act.

Provided that, in cases of emergency, the Lieutenant Governor of Bengal may permit any vessel carrying Emigrants to leave the port of Calcutta, although the proportion of women embarked on board such vessel is not in accordance with the said rules.

57. Whenever the Governor General in Council has reason to believe that in any place to which emigration is lawful under this Act, proper measures have not been taken for the protection of Emigrants immediately upon their arrival in such place or during their residence therein, or for their safe return to India, or to provide a return-passage to India for any such Emigrants at or about the time at which they are entitled to such return-passage, the Governor General in Council may, by notification published in the *Gazette of India*, declare that emigration to such place shall cease and be prohibited from a certain day to be specified in the notification.

Power to prohibit emigration to any place to which emigration is allowed.

58. After any notification has been published under section fifty-seven, emigration to such place as is specified in such notification shall be suspended from the day specified in the notification: but such suspension shall not affect any act done, offence committed, or proceedings commenced before such suspension.

Emigration to place mentioned to be suspended.

59. During the time of such suspension any provisions of this Act prohibiting emigration, or the aiding or abetting of emigration, or the making of any contract for labour to be performed by any Native of India out of the British territories in India, shall take effect so far as relates to the place specified in the notification, in the same manner and to the same extent as if emigration to such place had never been declared to be lawful.

During suspension, laws against emigration to be in force as to place specified.

60. Whenever the Governor General in Council is satisfied that, in the place specified in any notification under section fifty-seven, proper measures have been taken and will be adopted for the protection of Emigrants immediately upon their arrival thereat and during their residence therein, and for their safe return to India, and for providing return-passages to India for such Emigrants at or about the time at which they are entitled to such return-passages, the Governor General in Council may notify in the *Gazette of India* that emigration to such place shall again be allowed from a day to be specified in such notification.

Revocation of suspension.

Thereupon all the provisions of this Act authorizing emigration to such place shall, from the day so specified, be revived and have the same effect as if such emigration had not been suspended, except as to acts done, offences committed, and proceedings commenced during the time of such suspension.

61. Whenever the Governor General in Council or the Local Government has reason to believe that, in any place to which emigration is lawful, the plague or other infectious disease dangerous to human life has broken out,

Power to prohibit emigration.

or that proper measures have not been taken for the protection of Emigrants immediately upon their arrival in such place or during their residence therein,

or for their safe return to India,

or to provide a return-passage to India for any such Emigrants at or about the time at which they are entitled to such return-passage,

the Governor General in Council or the Local Government may, by notification published in the *Gazette of India* or the local Gazette (as the case may be), declare that emigration from British India or from the territories subject to the Local Government (as the case may be) to such place shall cease and be prohibited from a certain day to be specified in the notification.

Any notification issued by the Governor General in Council under this section may be cancelled by notification in the *Gazette of India*.

Any notification issued by the Local Government under this section may be cancelled by order of the Governor General in Council, or by the Local Government.

62. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, increase any fee payable under sections eleven, nineteen and thirty-one, and may also

Power to increase fees.

in like manner reduce to its present amount any fee so increased:

Provided that no fee shall be increased under this section by more than double such amount.

XII.—Special Provisions as to French Colonies.

63. The French Government may nominate a person to be Emigration Agent under this Act for each of the Ports of Calcutta, Madras and Bombay. Provided that such person, before entering on the duties of his office under this Act, has been approved by Her Majesty.

Nomination of Agents for Calcutta, Madras and Bombay.

Proviso.

64. The Emigration Agents so nominated and approved as aforesaid shall be authorized, under the conditions prescribed in this Act, to recruit and engage Native labourers for all or any of the French Colonies aforesaid.

Powers of Agents.

65. The said Emigration Agents shall act in conformity with the regulations now or hereafter existing for the recruitment of Native labourers for British Colonies, and shall, with regard to the operations of recruitment which are entrusted to them, enjoy for themselves and the persons whom they may employ in the management of the said operations, all the facilities and the advantages afforded to the Emigration Agents for British Colonies.

Operations of recruitment.

66. The Protector of Emigrants at each of the three British Ports aforesaid, shall act for the British Government as Protector of labourers emigrating under the provisions of this Part of this Act.

Protector of Emigrants.

In French Ports in India the duty imposed on the British Consular Agents by Article V of the Convention printed in the third schedule hereto annexed shall be performed under such instructions as may be given by the Governor General in Council in this behalf.

67. All contracts of service made with labourers emigrating to French Colonies under this Act, except the contracts mentioned in clause four of Article IX and clause two of Article X of the said Convention, shall be made in India, and shall bind the Emigrant either to serve a person designated by name, or to serve a person to whom he is allotted by the proper authority on his arrival in the Colony to which he emigrates.

Contracts of service, with certain exceptions, to be made in India. Effect of contract.

68. The contracts of service shall be in accordance with the terms of the said Convention, and shall make provision for—

Matters to be provided for in contract.

(1.) The duration of the engagement at the expiration of which the Emigrant shall receive a return-passage to India at the expense of the French Government, and the terms on which he may abandon or renounce his right to a free return-passage.

(2.) The number of days and hours of work.

(3.) The wages and rations as well as the rate of payment for extra work, and all the advantages promised to the Emigrant.

(4.) Gratuitous medical treatment for the Emigrant, except in cases where, in the opinion of the proper Government officer, his illness has arisen from his own misconduct.

(5.) In every contract of engagement there shall be inserted an exact copy of Articles IX, X, XX and XXI of the said Convention.

69. The Governor General in Council may, by order to be published in the *Gazette of India*, extend this Act to any other French Colony not expressly named herein, at which a British Consular Agent is established and to which the application of the said Convention shall be extended, and in such order may declare the probable length of the voyage to such Colony.

Power to extend Act to French Colonies not expressly named.

Such declaration shall have the same effect as if it formed part of this section.

70. Every Emigrant vessel sailing to a French Colony shall carry an European Surgeon and an Interpreter.

Emigrant vessel to carry European Surgeon and Interpreter.

XIII.—Penalties.

71. Whoever, except under and in conformity with the provisions of this Act, makes any contract with any Native of India for labour to be performed in any place beyond British India to which emigration is not authorized under this Act, shall be deemed to have committed the offence specified in section three hundred and sixty-three of the Indian Penal Code:

For making unlawful contract of labour.

And whoever knowingly enables or assists any Native of India to emigrate to any such place, or aids in or abets the emigration of any Native of India to any such place, shall be deemed to have abetted the commission of that offence.

72. Whoever, not being a Recruiter duly licensed under this Act, acts or is employed as a Recruiter of labourers, or contrary to the provisions of this Act, enters into any contract with a Native of India for labour to be performed by such Native in any place beyond British India, shall be liable to a fine not exceeding five hundred rupees.

For recruiting without being licensed.

73. Whoever, being a duly licensed Recruiter, removes any Emigrant whom he may engage in any district or place other than the towns of Calcutta, Madras or Bombay, from such district or place, without such Emigrant having appeared along with the Recruiter before the Magistrate of the District in order that the Emigrant might be examined and registered;

For Recruiter failing to take engaged labourers before Magistrate or Protector.

and whoever removes any Emigrant whom he may engage in any one of the towns of Calcutta, Madras or Bombay, from such town, or to an emigration depôt, without such Emigrant having appeared with the Recruiter before the Protector of Emigrants in order that the Emigrant might be examined and registered;

and whoever by means of intoxication, violence, fraud, or false pretences induces any Native of India to enter into a contract for labour to be performed

For fraudulently inducing labourer to contract.

by him in any place to which emigration is lawful under this Act, or to proceed to any such place without having entered into any contract;

and whoever fails to supply any Emigrant whom he has engaged, and who is registered, with suitable food, or otherwise ill-treats such Emigrant on his journey to the depôt;

For not supplying proper food.

and whoever forwards, sends or conveys any such Emigrant otherwise than is provided in section thirty-two, or to any house or place in or near the Towns of Calcutta, Madras or Bombay, respectively, other than the depôt for the Emigrants for the place at which such Emigrant has contracted to labour,

For not taking labourer to depôt.

shall be liable to a fine not exceeding five hundred rupees.

74. Whoever, being a duly licensed Recruiter, forwards or sends any Emigrant from the district or town in which he has entered into an engagement, to any emigration depôt, without such Emigrant having been duly registered in accordance with the provisions of sections twenty-seven and twenty-nine;

For forwarding labourers, or allowing them to go, without being duly registered.

and whoever, being a duly licensed Recruiter, induces or knowingly permits any such Emigrant to leave such district or town, or to proceed to any emigration depôt, for the purpose of emigrating to any place, without the Emigrant being duly registered as aforesaid,

shall be liable to a fine not exceeding five hundred rupees.

75. Whoever, without lawful authority, issues any written order to the Police to assist himself or any other person to procure labourers to proceed to any place beyond British India, or falsely represents that such labourers are required by the Government or are to be engaged on behalf of Government, shall be liable to a fine not exceeding five hundred rupees.

For false representation of Government authority.

76. The Master of any vessel which has not been licensed as provided in section forty, knowingly receiving any Emigrant on board in order to convey such Emigrant to any place contrary to the provisions of this Act, shall be liable to imprisonment for a period not exceeding one year, and also to a fine not exceeding one thousand rupees for every such Emigrant received on board, and the vessel shall be liable to be forfeited.

For receiving Emigrants in an unlicensed vessel.

77. If the Master of any vessel, at the port of Calcutta, the port of Madras, or the port of Bombay, clears such vessel for any place to which emigration is lawful under this Act, and takes on board any Emigrant without having fully complied with every particular required in sections forty-one and forty-two, he shall be liable to a fine not exceeding two hundred rupees for every Emigrant so taken on board.

For clearing ship without complying with rules.

78. If the Master of any vessel, after having cleared such vessel for any place to which emigration is lawful under this Act, takes on board any Emigrant without such Emigrant having been duly entered in the lists mentioned in sections forty-nine and fifty, and in the manner in those sections prescribed, he shall be liable to a fine not exceeding two hundred rupees for every Emigrant so taken on board.

For taking on board after clearance Emigrants not entered in list.

79. If after having obtained a certificate in accordance with the provisions of section forty, the Master of any vessel cleared for any place to which emigration is lawful under this Act, fraudulently does, or suffers to be done, any act or thing whereby such certificate becomes inapplicable to the altered state of the vessel or other matter to which such certificate relates, he shall be liable to a fine not exceeding five thousand rupees,

For fraudulent acts whereby certificate becomes inapplicable to vessel.

and he may also be sued on any bond which he may have executed in consideration of any license obtained for the vessel as originally described.

80. If the Master of a vessel sailing from the port of Calcutta, licensed under section forty and sailing with Emigrants on board, without reasonable excuse causes or allows his vessel to proceed from Garden Reach to sea, or to proceed any part of the distance between Garden Reach and sea, without his vessel being under tow of a competent steamer,

For proceeding to sea without steam.

or if such vessel has not left Garden Reach and proceeded on her voyage within the time prescribed in section fifty-two,

the Master of such vessel shall be liable to a fine not exceeding one thousand rupees.

81. All the powers vested by law in the officers of Customs in regard to the searching and detention of vessels, or otherwise, for the prevention of smuggling on board thereof, may be exercised by such officers for the prevention of the illegal embarkation of Emigrants on board vessels bound for any place to which emigration is lawful under this Act, and of other offences against this Act.

Customs officers may search and detain for purposes of this Act.

82. All prosecutions under this Act shall be instituted on information laid at the instance of an Emigration Agent, or of a Protector of Emigrants, or of an officer appointed for the purpose by the Local Government, before a Magistrate of Police, or before the Magistrate of the District, according as they shall be instituted for offences committed within or for offences committed beyond the limits of the towns of Calcutta, Madras and Bombay.

Prosecutions under this Act where and how instituted.

All fines imposed under this Act may be recovered, if for offences committed outside the limits of the said towns, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

Mode of recovering fines.

XIV.—Miscellaneous.

83. The probable length of the voyages to the places mentioned in section twenty-three, from Calcutta, Madras or Bombay respectively, shall, for the purposes of this Act, be deemed to be as follows:—

Probable length of voyages to places mentioned in section twenty-three.

FROM CALCUTTA:—

To Mauritius, Seychelles and Réunion ...	Between the months of April and October inclusive, ten weeks; and between the months of November and March inclusive, eight weeks.
To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts and St. Croix, Martinique, Guadeloupe and its dependencies ...	Twenty weeks.
To French Guiana ...	Twenty-six weeks.
To Natal ...	Twelve weeks.

FROM MADRAS:—

To Mauritius, Seychelles and Réunion ...	Between the months of April and October inclusive, seven weeks; and between the months of November and March inclusive, six weeks.
To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts, St. Croix, Martinique, Guadeloupe and its dependencies, and French Guiana ...	Nineteen weeks.
To Natal ...	Ten weeks.

FROM BOMBAY:—

To Mauritius, Seychelles and Réunion ...	Between the months of April and September inclusive, five weeks; and between the months of October and March inclusive, six weeks.
To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts, St. Croix, Martinique, Guadeloupe and its dependencies, and French Guiana ...	Nineteen weeks.
To Natal ...	Ten weeks.

84. Every notification under section twenty-four shall state the probable length of the voyages from Calcutta, Madras and Bombay, respectively, to every place to which emigration is thereby authorized, and thereupon such period shall, for the purposes of this Act, be taken to be the probable length of such voyage.

Notification legalizing emigration to new place to give probable length of voyages thither.

85. The Local Government may from time to time authorize any person invested with the powers of a Magistrate, as defined in the Code of Criminal Procedure, to perform the duties and exercise the powers by this Act assigned to and conferred on the Magistrate of the District.

Exercise of powers of Magistrate of the District under this Act.

Every person so authorized shall in all respects for the purposes of this Act be deemed to be included in the words "the Magistrate of the District."

86. Nothing in this Act or in any rule to be made by the Governor General of India in Council under section sixty-one shall apply to any vessel in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's vessels.

Act and rules made under it not to apply to certain vessels.

THE FIRST SCHEDULE.

(See section 2.)

Number and year.	Title.
XLVI of 1860.	To authorize and regulate the Emigration of Native Labourers to the French Colonies.
VII of 1862.	To amend Act XLVI of 1860 (to authorize and regulate the Emigration of Native Labourers to the French Colonies.)
XIII of 1864.	To consolidate and amend the laws relating to the Emigration of Native Labourers.
VI of 1869.	To amend the law relating to the Emigration of Native Labourers.
VI of 1870.	To enable the Governor General in Council to increase the fee payable under section thirty-one of the Emigration Act..

THE SECOND SCHEDULE.

(See section 19.)

Office of the Protector of Emigrants at the Port of

A B is hereby licensed under the Indian Emigration Act, 1871, to be a Recruiter for engaging persons to proceed to for the purpose of labouring for hire.

This license will be in force for one year only from this date.

Dated the day of

(*Signed*) *C. D.*,
Protector of Emigrants.

THE THIRD SCHEDULE.

(See sections 66, 67 and 68.)

Convention between Her Majesty and the Emperor of the French relative to the Emigration of Labourers from India to the French Colonies, with an additional article thereto annexed.

Signed at Paris, July 1861.

[*Ratifications exchanged at Paris, July 30th*, 1861.]

His Majesty the Emperor of the French having made known, by a declaration dated this day (1st July 1861) his resolution to put an end to the recruitment upon the coast of Africa of negro labourers by means of redemption; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland desiring, in consequence, to facilitate the immigration of free labourers into the French Colonies, their said Majesties have resolved to conclude a Convention destined to regulate the recruitment of such labourers in the British territories in India. For this purpose they have named as their Plenipotentiaries:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Most Honourable Henry Richard Charles Earl Cowley, Her Majesty's Ambassador Extraordinary and Plenipotentiary to the Emperor of the French;

And His Majesty the Emperor of the French, M. Edouard Antoine Thouvenel, Senator, His Minister and Secretary of State for the Department of Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in due form, have agreed upon the following Articles:—

ARTICLE I.

The French Government shall be at liberty to recruit and engage labourers for the French Colonies in the Indian Territories belonging to Great Britain, and embark Emigrants, being subjects of Her Britannic Majesty, either in British or French Ports in India, under the conditions hereinafter stipulated.

ARTICLE II.

The French Government shall entrust the direction of its operations in every centre of recruitment to an Agent chosen by itself.

Those Agents must be approved by the British Government.

Such approval is assimilated, with regard to the right of granting and withdrawal, to the Exequatur given to Consular Agents.

ARTICLE III.

This recruitment shall be effected conformably to the regulations which now exist, or may hereafter be established, for the recruitment of labourers for British Colonies.

ARTICLE IV.

The French Agent shall, with regard to the operations of recruitment which are intrusted to him, enjoy for himself and for the persons whom he may employ, all the facilities and advantages afforded to the Recruiting Agents for British Colonies.

ARTICLE V.

The Government of Her Britannic Majesty shall appoint in those British Ports where Emigrants may be embarked, an Agent who shall be specially charged with the care of their interests.

In French Ports the same duty with regard to Indian subjects of Her Britannic Majesty shall be confided to the British Consular Agent.

Under the term "Consular Agents" are comprised Consuls, Vice-Consuls, and all other Commissioned Consular Officers.

ARTICLE VI.

No Emigrant shall be embarked unless the Agent described in the preceding Article shall have been enabled to satisfy himself, either that the Emigrant is not a British subject or, if a British subject, that his engagement is voluntary, that he has a perfect knowledge of the nature of his contract, of the place of his destination, of the probable length of his voyage, and of the different advantages connected with his engagement.

ARTICLE VII.

The contracts of service, with the exception provided for by section 4 of Article IX, and by section 2 of Article X, shall be made in India, and shall either bind the Emigrant to serve a person designated by name, or to serve a person to whom he shall be allotted by the proper authority on his arrival in the Colony.

ARTICLE VIII.

The contracts shall, moreover, make stipulation for:—

1. The duration of the engagement, at the expiration of which the Emigrant shall receive a return-passage to India at the expense of the French Government, and the terms on which it will be competent to him to abandon or renounce his right to a free return-passage.

2. The number of days and hours of work.

3. The wages and rations, as well as the rate of payment for extra work, and all the advantages promised to the Emigrant.

4. Gratuitous medical treatment for the Emigrant, except in cases where, in the opinion of the proper Government officer, his illness shall have arisen from his own misconduct.

In every contract of engagement there shall be inserted an exact copy of Articles IX, X, XX and XXI of the present Convention.

ARTICLE IX.

1. The duration of the Immigrant's engagement shall not be more than five years. In case, however, he shall be duly proved to have absented himself from work, he shall be bound to serve a number of days equal to the time of his absence.

2. At the expiration of that period, every Indian who shall have attained the age of ten years at the time of his departure from India, shall be entitled to a return-passage at the expense of the French Government.

3. If he can show that his conduct has been regular, and that he has the means of subsistence, he may be allowed to reside in the Colony without any engagement; but from that time he will lose his right to a free return-passage.

4. If he consents to contract a new engagement, he will be entitled to a bounty, and will retain his right to a return-passage at the expiration of this second engagement.

The right of the Immigrant to a return-passage extends to his wife, and to his children who quitted India under the age of ten years, as well as to those born in the Colonies.

ARTICLE X.

The Immigrant shall not be bound to work more than six days in seven nor more than nine hours and a half a day.

The conditions of task-work and every other kind of regulation for work, shall be freely arranged with the labourer. The obligation to provide, on holidays, for the care of animals and the necessities of daily life, shall not be considered as work.

ARTICLE XI.

In British Ports, the arrangements which precede the departure of the Emigrants shall be conformable to those prescribed by the regulations for the British Colonies.

In French Ports, the Emigration Agent or his deputies shall, on the departure of every Emigrant ship, deliver to the British Consular Agent a nominal list of the Emigrants who are subjects of Her Britannic Majesty, with a description of their persons, and shall also communicate to him the contracts of which he may require copies.

In such case, only one copy shall be given of all contracts of which the provisions are identical.

ARTICLE XII.

In the Ports of embarkation, the Emigrants who are subjects of Her Britannic Majesty shall be at liberty, conforming to the regulations of Police relative to such establishments, to leave the depôts, or other place in which they may be lodged, in order to communicate with the British Agents, who on their part may at any reasonable hour visit the places in which the Emigrants, subjects of Her Britannic Majesty, are collected or lodged.

ARTICLE XIII.

Emigrants may leave India for the Colonies to the East of the Cape of Good Hope at all times of the year.

For other Colonies they may leave only from the first of August to the fifteenth of March. This arrangement applies only to sailing vessels; vessels using steam-power may leave at any time of the year.

Every Emigrant sailing from India for the Antilles between the first of March and the fifteenth of September, shall receive at least one double blanket over and above the clothing usually allowed to him, and may make use of it so long as the vessel is outside of the Tropics.

ARTICLE XIV.

Every Emigrant vessel must carry an European Surgeon and an Interpreter.

The Captains of Emigrant vessels shall be bound to take charge of any despatch which may be delivered to them by the British Agent at the Port of embarkation for the British Consular Agent at the Port of destination and to deliver it to the Colonial Government immediately after his arrival.

ARTICLE XV.

In every vessel employed for the conveyance of Emigrants subjects of Her Britannic Majesty, the Emigrants shall

occupy, either between decks, or in cabins on the upper deck firmly secured and entirely covered in, a space devoted to their exclusive use. Such cabins and space between decks shall in every part have a height of not less than five feet and a half.

No compartment shall take more than one adult Emigrant for every cubic space of seventy-two feet in the Presidency of Bengal and at Chandernagore, and for every cubic space of sixty feet in other French Ports, and in the Presidencies of Bombay and Madras.

An Emigrant above the age of ten years shall count as an adult, and two children from one to ten years of age shall count as one adult.

A place shall be fitted up for a hospital in every Emigrant ship.

Women and children shall occupy compartments of the vessel distinct and separate from those of the men.

ARTICLE XVI.

Each shipment of Emigrants shall include a proportion of women equal to at least one-fourth of the number of men. After the expiration of three years, the numerical proportion of women shall be raised to one-third; after two years more, it shall be raised to one-half; and after a further period of two years, the proportion shall be the same as may be fixed for the British Colonies.

ARTICLE XVII.

The British Agents at the embarkation shall have, at all reasonable times, the right of access to every part of the ship which is appropriated to the use of Emigrants.

ARTICLE XVIII.

The Governors of the French establishments in India shall make such administrative regulations as may be necessary to ensure the complete execution of the preceding stipulations.

ARTICLE XIX.

On the arrival of an Emigrant ship in any French Colony, the Government shall cause to be transmitted to the British Consular Agent any despatches which it may have received for him, together with—

1. A nominal list of all labourers disembarked who are subjects of Her Britannic Majesty.

2. A list of the deaths or births which may have taken place during the voyage.

The Colonial Government shall take the necessary measures to enable the British Consular Agent to communicate with the Emigrants before their distribution in the Colony.

A copy of the "List of distribution" shall be delivered to the Consular Agent.

He shall be informed of all deaths and births which may occur during the period of engagement, as well as of all changes of employer, and of all departures on a return-passage.

Every fresh engagement, or act of renunciation of the right to a free return-passage, shall be communicated to the Consular Agent.

ARTICLE XX.

All Immigrants, being subjects of Her Britannic Majesty, shall, in the same manner as other subjects of the British Crown, and conformably to the ordinary rules of international law, enjoy, in the French Colonies, the right of claiming the assistance of the British Consular Agents; and no obstacle shall be opposed to the labourer's resorting to the Consular Agent and communicating with him; without prejudice, however, to the obligations arising out of his engagement.

ARTICLE XXI.

In the distribution of labourers no husband shall be separated from his wife, nor any father or mother from their children under fifteen years of age. No labourer shall be required to change his employer without his own consent, unless he be transferred to the Government, or to the person who has acquired the property on which he is employed.

Immigrants who may become permanently incapable of work, either by sickness or by any other cause beyond their own control, shall be sent back at the expense of the French Government, whatever time may still be wanting to entitle them to a free return-passage.

ARTICLE XXII.

All operations of immigration may be carried on in the French Colonies by French or British vessels without distinction.

British vessels which may engage in those operations shall be bound to conform to all the measures of Police, health, and equipment which may apply to French vessels.

ARTICLE XXIII.

The labour-regulations of Martinique shall serve as the basis for all the regulations of the French Colonies into which Indian Emigrants, subjects of Her Britannic Majesty, may be introduced.

The French Government engages not to introduce into those regulations any modification, the result of which would be to place the said Indian subjects in an exceptional position, or to impose upon them conditions of labour more stringent than those prescribed by the said regulations.

ARTICLE XXIV.

The present Convention applies to emigration to the Colonies of Ré-union, Martinique, Guadeloupe and its dependencies, and Guiana.

It may hereafter be applied to immigration to other Colonies in which British Consular Agents shall be established.

ARTICLE XXV.

The provisions of the present Convention relative to the Indian subjects of Her Britannic Majesty shall apply to the Natives of every Indian State which is under the protection or political control of Her said Majesty, or of which the Government shall have acknowledged the supremacy of the British Crown.

ARTICLE XXVI.

The present Convention shall begin to take effect on the first of September 1861, and shall continue in full force for three years and a half. It shall remain in full force, if notice for its termination be not given in the course of the month of September of the third year, and then notice can be given only in the course of the month of September of each succeeding year.

In case of notice being given for its termination, it shall cease eighteen months afterwards.

Nevertheless the Governor General of British India in Council shall, in conformity with the Act of the 19th of September, 1856, relative to immigration to British Colonies, have the power to suspend at any time emigration to any one or more of the French Colonies, in the event of his having reason to believe that in any such Colony proper measures have not been taken for the protection of the emigrants immediately upon their arrival or during their residence therein, or for their safe return to India, or to provide a return-passage to India for any such emigrants at or about the time at which they are entitled to such return-passage.

In case, however, the power thus reserved to the Governor General of British India should at any time be exercised, the French Government shall have the right immediately to terminate the whole Convention, if they should think proper to do so.

But in the event of the determination of the present Convention, from whatever cause, the stipulations relative to Indian subjects of Her Britannic Majesty introduced into the French Colonies shall be maintained in force in favour of the said Indian subjects, until they shall either have been sent back to their own country, or have renounced their right to a return-passage to India.

ARTICLE XXVII.

The present Convention shall be ratified, and the ratifications shall be exchanged at Paris in four weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 1st day of July, in the year of our Lord one thousand eight hundred and sixty-one.

(L. S.) COWLEY.
(L. S.) THOUVENEL.

ADDITIONAL ARTICLE.

His Majesty the Emperor of the French having stated that, in consequence of the order which he gave long ago that no more African Emigrants should be introduced into the Island of Réunion, that Colony has, since last year, had to obtain labourers from India and China; and Her Britannic Majesty having, by a Convention signed on the 25th of July 1860, between Her Majesty and His Majesty the Emperor of the French, authorized the Colony of Réunion to recruit six thousand labourers in her Indian possessions, it is agreed that the Convention of this date shall take effect forthwith, with regard to the said Colony of Réunion.

The present Additional Article shall have the same force and validity as if it were inserted, word for word, in the Convention signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time as those of the Convention.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 1st of July, 1861.

(L. S.) COWLEY.
(L. S.) THOUVENEL.

STATEMENT OF OBJECTS AND REASONS.

This Bill forms part of the scheme for consolidating the Acts and Regulations, the execution of which commenced in 1867, has since been steadily progressing, and is now being actively carried out. It consolidates the five Acts in which the law on the subject of cooly emigration is contained. The opportunity has been taken to improve, here and there, the wording and arrangement of that law; but no alteration has been made in its substance.

F. S. CHAPMAN.

The 30th November 1870.

WHITLEY STOKES,
Secy. to the Govt. of India.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, DECEMBER 24, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th December 1870, and was referred to a Select Committee with instructions to make their report thereon in three months:—

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CRIMINAL PROCEDURE BILL.

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A BILL FOR REGULATING THE PROCEDURE OF THE COURTS OF CRIMINAL JUDICATURE NOT ESTABLISHED BY ROYAL CHARTER.

Preamble.

WHEREAS it is expedient to consolidate and amend the law regulating the Procedure of the Courts of Criminal Judicature not established by Royal Charter; It is hereby enacted as follows:—

PRELIMINARY.

Short title.

1. This Act may be called "The Code of Criminal Procedure."

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force on the first day of *March*, 1871.

Repeal of enactments.

2. The enactments mentioned in the first schedule hereto annexed are repealed.

References to any of the said enactments made in any Act passed subsequently thereto shall be read as if made to the corresponding section of this Act.

Notifications published and orders made under any section of any Act hereby repealed shall be deemed to have been published and made under the corresponding section of this Act.

Definitions.

Interpretation-clause.

3. The following words and expressions in this Act have the meanings hereby assigned to them, unless there be something repugnant in the subject or context:—

"Special law."

4. The words "special law" denote a law applicable to a particular subject.

"Local law."

5. The words "local law" denote a law applicable only to a particular part of British India.

"Enquired into." "Determined."

6. The words "enquired into" comprise every proceeding preliminary to trial; and the word "determined" comprises trial and every subsequent proceeding, including the punishment of the offender.

"Written."

7. The word "written" includes "printed," "lithographed," and "engraved."

"Criminal Court."

8. The words "Criminal Court" denote every Judge or Magistrate lawfully exercising jurisdiction in criminal cases, whether for the decision of such cases in the first instance, or on appeal, or for commitment to any other Court or officer.

"Court of Justice."

9. The words "Court of Justice" denote a Judge, as defined in the Indian Penal Code, who is empowered by law to act judicially alone, or a body of Judges empowered by law to act judicially as a body, when such Judge or body of Judges is acting judicially.

"Court of Session."

10. The words "Court of Session," subject to the limitations in section 18, include the Courts of the Assistant Sessions Judges in the Presidency of Bombay.

"Magistrate of the District."

11. The words "Magistrate of the District" mean the Chief Officer charged with the executive administration of a District in criminal matters by whatever designation such officer is called.

"Magistrate."

12. The word "Magistrate" includes all persons exercising all or any of the powers of a Magistrate.

"The powers of a Magistrate."

13. The words "the powers of a Magistrate" mean the full powers of a Magistrate.

"Any of the powers of a Magistrate."

The words "any of the powers of a Magistrate" denote powers less than the full powers of a Magistrate.

"District."

14. The local jurisdiction of the Magistrate of a District shall, for the purposes of this Act, be deemed a "District;" and the local jurisdiction in a particular part of a District, vested in a Magistrate other than the Magistrate of the District, shall be deemed a "division of a District."

"Local limits of a High Court."

15. The words "local limits of a High Court" mean local limits of the ordinary original criminal jurisdiction of a High Court.

Division of Act.

16. This Act is divided into eleven Parts relating to the following subject-matters:—

The first Part—to jurisdiction.

The second Part—to proceedings to compel appearance.

The third Part—to inquiry and trial.

The fourth Part—to appeal, reference and revision.

The fifth Part—to execution.

The sixth Part—to evidence.

The seventh Part—to procedure incidental to inquiry and trial.

The eighth Part—to exceptional incidents.

The ninth Part—to pleading.

The tenth Part—to the preventive jurisdiction of Magistrates.

The eleventh Part—to miscellaneous provisions.

PART I.

JURISDICTION.

CHAPTER I.—*Ordinary Jurisdiction of the Courts.*

Offences cognizable by Criminal Courts.

17. The Criminal Courts of the several grades, according to the powers vested in them respectively by this Act, shall have jurisdiction in respect of offences punishable under the Indian Penal Code, or under any special or local law for the time being in force (except offences which are by any such law made punishable by some other authority therein specially mentioned), and shall be guided by the provisions of this Act in the inquiry into and determination of the offences hereby declared to be within their jurisdiction.

Justices of the Peace not being Magistrates shall also be guided by the provisions of this Act.

By what Courts offences in second schedule are triable.

18. The offences mentioned in the second schedule hereto annexed shall, subject to the provision contained in the third explanatory note prefixed to the said schedule, be triable by the Courts specified in column seven of the said schedule.

Powers of Court of Session.

19. The Court of Session may pass the following sentences:—

Death (subject to confirmation by the High Court);

transportation;

imprisonment of either description for a period not exceeding fourteen years, including such solitary confinement as is authorized by law;

or fine to an unlimited amount;

or both transportation and fine;

or imprisonment and fine, in cases in which both punishments are authorized by the Indian Penal Code.

In cases in which, according to the Indian Penal Code, forfeiture of property may be adjudged, the Court of Session may adjudge such forfeiture in addition to the sentence.

Powers of Assistant Sessions Judges in Bombay.

20. In the Presidency of Bombay a Sessions Judge may delegate cases for trial by an Assistant Sessions Judge: and the Assistant Sessions Judge may, in such cases, pass sentences within the following limits:—

Imprisonment for a term not exceeding seven years (including such solitary confinement as is authorized by law), or fine, or both.

If the sentence be one of imprisonment for a term exceeding three years, it shall be passed subject to confirmation by the Sessions Judge.

The Sessions Judge may review and hear appeals against the proceedings of his Assistants, and may confirm and amend (but not so as to enhance or reduce), or may reverse their sentences or orders.

An Assistant Sessions Judge shall not review or hear an appeal against the proceedings of a Magistrate.

Power to appoint, in Bombay Presidency, Joint Sessions Judges.

21. In the Presidency of Bombay, the Local Government may, with the previous consent of the Governor General in Council, appoint in any District a Joint Sessions Judge, who shall be invested with co-extensive powers and a concurrent jurisdiction with the Court of Session, except that he shall not receive original complaints, but shall transact such criminal business only as he receives from the Sessions Judge of the District.

The Rules and Regulations for the time being in force for the guidance of the Sessions Judge shall apply to the Joint Sessions Judge, and the seal of the Joint Sessions Judge shall be the same as is used by the Sessions Judge of the District.

Powers of Magistrate of the District.

22. The Magistrate of the District or other officer authorized to exercise the powers of a Magistrate may pass the following sentences:—

Imprisonment not exceeding the term of two years, including such solitary confinement as is authorized by law;

or fine to the extent of one thousand rupees;

or both imprisonment and fine in all cases in which both punishments are authorized by the Indian Penal Code.

Subordinate Magistrates or officers authorized to exercise any of the powers of a Magistrate may pass the following sentences:—

Powers of Subordinate Magistrates, First Class.

First Class. Imprisonment not exceeding six months;

or fine not exceeding two hundred rupees;

or both imprisonment and fine in all cases in which both punishments are authorized by the Indian Penal Code.

Second Class.

Second Class. Imprisonment not exceeding one month;

or fine not exceeding fifty rupees;

or both imprisonment and fine in all cases in which both punishments are authorized by the Indian Penal Code.

No sentence of solitary confinement, under section 73 of the Indian Penal Code, shall be passed by any Court inferior to an officer exercising the powers of a Magistrate.

Subordination of all Magistrates to Magistrate of District.

23. Except as otherwise provided in this Act or by any other law for the time being in force, all Magistrates and Subordinate Magistrates shall be subordinate to the Magistrate of the District in which they exercise jurisdiction.

Magistrate may withdraw or refer cases.

24. The Magistrate of the District, or a Magistrate in charge of a division of a District, may respectively withdraw any criminal case from any Court subordinate to him, and may enquire into or try the case himself, or refer it for enquiry or trial to any other such Court competent to enquire into or try the same.

Power for Bengal Magistrate in charge of Division of District to try certain charges unreferred.

25. In the Lower Provinces and in the North-Western Provinces of the Presidency of Fort William in Bengal, any Magistrate in charge of a Division of a District may receive and try (without reference by the Magistrate of the District) all or any of such charges as he is now competent to try upon reference by the Magistrate of the District.

CHAPTER II.—*Special Jurisdiction conferred by Government.*

Jurisdiction of Chief Officer in Non-Regulation territory over offences not punishable with death.

26. In any part of the territories not subject to the general Regulations of Bengal, Madras or Bombay, the Governor General in Council or the Local Government of such territory may invest the chief officer charged with the executive administration of a district in criminal matters, by whatever designation such officer is called, with power to try all offences not punishable with death, and under the provisions of this Act to pass sentence of imprisonment for a term not exceeding seven years, including such solitary confinement as is authorized by law, or fine or both.

His procedure in cases triable by the Court of Session.

27. Such chief officer shall try as a Court of Session offences which, under the second schedule hereto annexed, are triable by a Court of Session only, and in such trials shall be guided by

the provisions hereinafter contained relating to trials before Courts of Session.

28. The Local Government may invest any person with the powers of a Magistrate or of a Subordinate Magistrate of the first or second class, as described in section 22, with a view to the exercise by such person, within such local limits as the Local Government shall from time to time prescribe, of such powers under this Act or under any special or local law.

Power to invest with powers of Magistrate or Subordinate Magistrate.

29. With the sanction of the Governor General in Council, the Local Government may delegate, with such limitations as it thinks proper, to any officer under its control, the power conferred upon it by section 28.

Local Government may delegate its power of appointing Magistrates.

30. The Local Government may, by notification in the official Gazette prescribe the local jurisdiction of a Magistrate of the District as defined by section 11, and may by such notification from time to time alter such jurisdiction.

Power to determine local jurisdiction of a Magistrate of District.

31. The Local Government may invest any Magistrate with the local jurisdiction in a particular part of a District declared by section 14 to be deemed a Division of a District, and may from time to time alter the limits of such local jurisdiction.

Power to invest Magistrates with local jurisdiction.

32. The Local Government may, with such limitations as it thinks proper, invest any Magistrate in charge of a Division of a District or any officer exercising the full powers of a Magistrate, with the authority conferred on the Magistrate of the District by sections 24, 94, 368, 458, 466 and 471.

Power to invest certain officers with powers of Magistrate of District.

33. The Local Government may empower any Subordinate Magistrate of the first or second class not invested with such power by any law for the time being in force, to hold the preliminary enquiry into cases triable by the Court of Session, or by any High Court, and may empower him to commit, or hold to bail, persons to take their trial before such Court of Session or High Court, and to exercise all the powers necessary for such purpose.

Subordinate Magistrate may be empowered to hold preliminary enquiry and to commit to Court of Session or High Court.

34. The Local Government may, by notification in the official Gazette, define what Magistrates or Subordinate Magistrates shall entertain cases either on complaint preferred directly to themselves or on the report of a Police officer; and such Magistrates or Subordinate Magistrates shall be competent to entertain such cases, if the offence charged is triable by them or if they shall have been empowered under section 33.

Local Government to define what Magistrates and Subordinate Magistrates shall be empowered to entertain complaints preferred directly to themselves or on report of Police.

35. The Magistrate of the District may, subject to the orders of the Local Government, empower any Magistrate or Subordinate Magistrate in his District to entertain cases either on complaint preferred directly to themselves or on the report of a Police officer.

Magistrate of District may invest any Magistrate or Subordinate Magistrate with powers described in section 33.

36. The Local Government may vary or cancel any powers with which any person may have been invested under this Act or any enactment hereby repealed.

Powers may be varied or cancelled.

37. When, in consequence of the office of the Magistrate of a District becoming vacant, any officer succeeds temporarily to the chief executive administration of the District in criminal matters, such officer shall, pending the orders of the Local Government, exercise all the powers and perform all the duties of the Magistrate of the District.

Succession to vacancies in the office of the Magistrate of a District.

38. Whenever any person holding an office in the service of Government, who has been invested with any powers under this Act or any enactment hereby repealed in any District, is transferred to an equal or higher office of the same nature within another District, he shall, unless the Local Government otherwise directs, continue to exercise the same powers in the District to which he is so transferred.

Continuance of powers of officers transferred.

39. When two or more persons authorized to exercise all or any of the powers of a Magistrate sit together for the despatch of business in any place, any summons, warrant or process or other proceeding, and any order, judgment, finding or sentence, signed by any two or more of them, shall be as valid to all intents and purposes as if it were solely signed, when the powers of one or more of them are higher than the powers of the others or other of them, by such one of them as has, or by one of such of them as have, been invested under section 28 with the highest of such powers, or, when their powers are equal, by any one of them.

Validity given to process, &c., signed by Magistrates in Petty Sessions.

40. All sentences heretofore passed by any Magistrates sitting together as aforesaid, shall be deemed to be as valid as if this Act had then been passed.

Sentences heretofore passed by Magistrates in Petty Sessions to be valid.

CHAPTER III.—*Jurisdiction as to Persons.*

41. The Criminal Courts shall have jurisdiction over all persons, except such persons as, by any Act of Parliament, or by any Regulation of the Codes of Bengal, Madras and Bombay, respectively, or by this Act or any other Act of the Governor General of India in Council, are, or shall be, exempted from their jurisdiction.

Criminal Courts to have jurisdiction over all persons, except those exempted by law.

42. No person shall, by reason of place of birth, or by reason of descent, be exempt from the rules of criminal procedure contained in this Act:

No exemption from Act by reason of birth or descent.

Provided that nothing in this section shall be held to authorize the trial or commitment for trial before any Criminal Court of any person who, in respect of the offence with which he is charged, is not subject to the jurisdiction of that Court.

Proviso.

43. The Magistrate of the District, or any other officer exercising the powers of a Magistrate, may hold the preliminary enquiry into any cases triable by a High Court and may commit or hold to bail persons to take their trial before such Court, and may exercise all the powers necessary for such purpose.

Commitment for trial before High Court.

44. Any Justice of the Peace may, and no other person shall, commit, or hold to bail, any European British subject to take his trial before a High Court.

Only Justices of the Peace to commit European British subjects.

45. When a European British subject is charged with an offence triable by a High Court, any Magistrate, or any subordinate Magistrate if he is empowered under section 33, but not otherwise, may hear the complaint against such person, and may issue a warrant of arrest, or hold to bail such person, with a view to the complaint being investigated by a Justice of the Peace.

Procedure when European British subject charged with offence triable by High Court.

46. When a European British subject has been arrested under a warrant issued under section 45 by a Magistrate not being a Justice of the Peace, if such Magistrate considers that there is sufficient ground for proceeding, he shall forthwith forward the person arrested to a Justice of the Peace, or, if the offence with which such person is charged is bailable and if sufficient bail be tendered, shall admit him to bail for his appearance before a Justice of the Peace.

Procedure when European arrested under warrant of Magistrate not a Justice of the Peace.

When the person accused is brought or appears before a Justice of the Peace under this section, such Justice of the Peace shall himself hold the preliminary enquiry into the case, before he commits, or holds to bail, such person for trial before the High Court.

47. Every person exercising the full powers of a Magistrate, and being also a Justice of the Peace, shall have power to enquire into and determine in a summary way complaints of offences committed by a European British subject outside the local limits of the ordinary original criminal jurisdiction of the High Courts, and on which a summons ordinarily issues in the first instance, and, in case of conviction, to inflict on the offender a fine not exceeding five hundred rupees, and, in default of payment, imprisonment for a term not exceeding two months, in some place of confinement within the District, which, in the opinion of the Magistrate, is fit for receiving such offender, or, if there be no such place, then in the Presidency gaol.

Summary jurisdiction over European British subjects.

48. All European and other subjects of Her Majesty,

Amenability of certain persons for offences in Native States.

and all persons who within a year before or after the commission of the offence with which they are charged have dwelt for six months within British India,

who are apprehended within British India or delivered into the custody of a Magistrate within British India wherever apprehended,

shall be amenable to the law for all offences committed by them within the territory of any Foreign Prince or State included within or adjacent to any part of British India, and may be bailed or committed for trial as hereinafter provided, on the like evidence as would warrant their being held to bail or committed for the same offence if it had been committed within British India.

49. The committing Magistrate, immediately before the trial, shall report every such case to the Local Government, and shall obey the orders which he receives thereon.

Report of case to Government.

50. The Local Government may order the trial to be had before one of the established Courts of Criminal Judicature, which would be competent to try the person charged for the offence, if it had been committed within British India.

Power to order trial before Court.

51. When the offence is charged to have been committed in the territory of any Foreign Prince or State, administered by officers acting under the authority of Her Majesty, in which territory a Court competent to try the person charged for the offence is established by authority of the Governor General of India in Council, the Local Government may order such person to be conveyed in custody, out of British India, for the purpose of delivering him up for trial before such Court.

Power to send offender for trial out of British India.

52. When the person charged is committed, the form of the warrant shall specify the commitment to be until the orders of the Local Government can be received and acted on;

Form of warrant and bail-bond.

when he is bailed, the form of the bail-bond shall be, in the first instance, to appear before the Magistrate on a certain day assigned, allowing reasonable time for receipt of the orders of the Local Government, and on such subsequent days as the Magistrate from time to time requires;

and if the Local Government shall order the person charged to be tried within the Presidency, the Magistrate may cause the bail-bond to be renewed in the usual form, to appear and take his trial at the Court appointed for the purpose.

53. In either case, the special order of the Local Government shall be deemed full authority, either for the trial and punishment of the person charged within British India, or for conveying him in custody out of British India as aforesaid.

Order of Government sufficient authority.

54. The authority given to the Local Government by sections 48 to 53 (inclusive) may be also exercised by any Commissioner or other person acting in the Civil Service of Her Majesty, to whom the Governor General in Council delegates authority to receive reports and give orders in cases within section 48.

Delegation of power given to Local Government.

CHAPTER IV.—*Where Offences shall be tried.*

55. Except where otherwise expressly provided by this Act, every offence shall be enquired into and determined in the District in which the offence was committed:

Trial to be ordinarily in district where offence committed.

Provided that nothing in this section shall exempt European British subjects from being tried and convicted before the High Courts for offences committed beyond the local limits of such Courts.

Proviso as to European British subjects.

56. When a person is accused of the commission of any offence by reason of anything which has been done, and of any consequence which has ensued, such offence may be enquired into or determined in any District in which any such thing has been done or any such consequence has ensued.

Accused triable in district where act done, or where consequence ensues.

57. The abetment of an offence, wherever such abetment has taken place, may be enquired into or determined in any District in which the offence abetted may be enquired into or determined by any Court having jurisdiction to try such offence, as if the abetment had been committed at the same place at which the offence abetted was wholly or partly committed;

Trial of abetment.

or the abetment may be enquired into or determined in any District within which the abettor has done anything for abetting the commission of such offence.

58. When any offence is committed on the boundary or boundaries of two or more Districts, whether subject to the same Local Government or not,

Offence committed on boundary of district.

or is begun in one District and completed in another, whether such Districts be subject to the same Local Government or not,

Offence begun in one district and completed in another.

such offence may be enquired into or determined in any of such Districts, in the same manner as if it had been actually and wholly committed therein.

59. When any offence is committed on any person, or on, or in respect of, any property in or upon any coach, cart, or other carriage or conveyance, or upon any beast of burden employed in any journey,

Offence committed during journey or voyage.

or is committed on any person, or on, or in respect of, any property on board any vessel employed on any voyage or journey upon any navigable river, canal, or inland navigation,

such offence may be enquired into or determined in any District through any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel, has passed in the course of the journey or voyage during which such offence has been committed, in the same manner as if the offence had been actually and wholly committed in such District;

and in all cases where the side, middle or other part of any highway, or the side, bank, middle or other part of any such river, canal, or navigation, constitutes the boundary of any two Districts, such offence may be enquired into or determined in either of such Districts, through or adjoining to, or by the boundary of, any part whereof such coach, cart, carriage, conveyance, beast of burden or vessel, has passed in the course of the journey or voyage during which such offence has been committed, in the same manner as if it had actually and wholly been committed in such District.

60. If any person is charged with any offence punishable under section 411, 412 or 414 of the Indian Penal Code, under the head "Of the receiving of stolen property," such offence may be enquired into or determined in any District in which such person has, or has had, such stolen property in his possession, or in any District in which the offence by which such property came to be stolen property within the meaning of the said Code, may be enquired into or determined.

Receiving, &c., stolen property.

61. If any person be charged under section 368 of the Indian Penal Code, with the offence of wrongfully concealing or keeping in confinement a person who has been kidnapped or abducted, such offence may be enquired into or determined in any District in which the concealment or confinement has taken place, or in any District in which the kidnapping or abduction may be enquired into or determined.

Concealment, &c., of kidnapped person.

62. Whenever any person is charged with being a thug,

Thuggee, dacoity.

or with murder as a thug,

or with dacoity with or without murder,

or with having belonged to a gang of dacoits,

or with having belonged to any wandering or other gang of thieves associated for the purpose of habitually committing theft or robbery and not being a gang of thugs or dacoits,

the offence may be enquired into in any District in which the accused person happens to be when charged or arrested, by any Magistrate competent to commit to a Court of Session,

and the accused person may be committed to the Court of Session to which such Magistrate is subordinate.

63. If any person escapes from any custody in which he is lawfully detained in pursuance of a sentence of a Court of Justice, or by virtue of a commutation of such sentence,

Escape from lawful custody under sentence.

or is charged with any offence punishable under section 227 of the Indian Penal Code, or under section 12 of Act No. XXIV of 1855 *(relating to Penal Servitude)*,

the offence may be enquired into or determined, either in the District in which such person is apprehended and re-taken, or in the District in which he was formerly tried, or, in the case of an escape from custody, in the District in which he has escaped from custody.

64. Whenever any doubt arises as to the District in which any offence should be enquired into or determined, the High Court within whose jurisdiction the offender is apprehended may decide in which District the offence shall be determined.

High Court to decide, in case of doubt, District where an enquiry shall take place.

65. The High Court may order the transfer of any particular criminal case or appeal from a Criminal Court subordinate to its authority, to any other such Criminal Court of equal or superior jurisdiction,

High Court may transfer case or direct trial in district other than that in which offence committed.

or may order that any offence shall be enquired into or determined in any District or division of a District, other than that in which the offence has been committed,

whenever it appears to such High Court that such order will promote the ends of justice, or tend to the general convenience of the parties or witnesses.

PART II.

PROCEEDINGS TO COMPEL APPEARANCE.

CHAPTER I.—*Preliminary Enquiry by Police.*

66. Any Magistrate may, upon the report of a Police officer or otherwise, direct enquiry to be made by a Police officer into any offence punishable under the Indian Penal Code or under any special or local law.

Magistrate may direct enquiry.

67. Any Police officer may, without an order from a Magistrate, enquire into and take cognizance of the offences described in column three of the second schedule annexed to this Act as offences for which a Police officer may arrest without warrant, but he shall not, without such order, enquire into or take cognizance of any other offences except as hereinafter provided.

Police to make enquiry into certain offences only when ordered by Magistrate.

68. Nothing in section 67 shall be held to interfere with the exercise of any powers vested in a Police officer by any special or local law, or with the performance of any duty which is imposed upon a Police officer by any such special or local law.

Saving of powers vested in Police by special or local law.

69. Every person aware of the commission of any offence made punishable under sections 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459 or 460 of the Indian Penal Code, shall give information of the same to the nearest Police officer, whenever such person has reason to believe that, if such information be withheld, the offender may not be brought to justice, or may have his escape facilitated.

All persons to give information of certain offences.

70. Every complaint or information preferred to an officer in charge of a Police station shall be reduced into writing, and the substance thereof shall be entered in a diary to be kept by him in the form prescribed by the Local Government.

Complaint to Police to be in writing.

71. Upon complaint or information being preferred to an officer in charge of a Police station of the commission, within the limits of such station, of any of the offences specified in column three of the second schedule hereto annexed as offences for which Police officers may arrest without warrant, he shall send immediate intimation to the Magistrate of the District or the Magistrate in charge of a division of the District, and shall proceed in person or shall depute one of his subordinate officers to proceed to the spot to enquire into the facts and circumstances of the case, and to take such measures as may be necessary for the discovery and apprehension of the offender.

Upon complaint preferred, Police officer in charge to proceed in person or depute officer to make enquiry.

Any Magistrate, on receiving intimation of the commission of any such offence, may at once proceed, or depute an officer exercising any of the powers of a Magistrate to proceed, to hold a preliminary enquiry into or otherwise to dispose of such case in the manner provided in this Act.

Preliminary enquiry.

72. Provided that, when any complaint is made against any person by name and the case is not of a serious nature, the officer in charge of a Police-station need not proceed in person or depute a subordinate officer to make an enquiry on the spot, unless such local enquiry appears to be necessary.

Where local enquiry dispensed with.

73. Provided also that, if it appear to the officer in charge of a Police-station that there is no sufficient ground for entering on an enquiry, or that the immediate apprehension of the accused is not necessary for the ends of justice, he shall not proceed in the case, but shall report the substance of the complaint or information for the orders of the Magistrate having jurisdiction.

Where Police officer in charge sees no sufficient ground for enquiry.

74. An officer in charge of a Police-station may, by an order in writing, require the attendance before himself of any person being within the limits of his station, who, from the statement of the complainant or otherwise, appears to be acquainted with the facts and circumstances of any case into which he is enquiring under section 71, and such person shall obey such requisition.

Police officer's power to summon witnesses.

75. An officer in charge of a Police-station or other Police officer making an enquiry may examine orally any person supposed to be acquainted with the facts and circumstances of the case, and may reduce into writing any statement made by the person so examined.

Oral examination of witnesses by Police.

No statement so reduced into writing shall be signed by the person making it, nor shall it be treated as part of the record nor used as evidence.

Proviso.

76. No Police officer or other person shall offer any inducement to an accused person by threat or promise or otherwise to make any disclosure or confession.

No inducement to be offered to confess.

77. No Police officer shall record any statement or any admission or confession of guilt, which may be made before him by a person accused of any offence:

Police not to record statement or confession.

Provided that nothing in this section shall preclude a Police officer from reducing any such statement or admission or confession into writing for his own information or guidance.

Proviso.

78. No confession or admission of guilt made to a Police officer, shall be used as evidence against a person accused of any offence.

Confession to Police not to be used as evidence.

79. No confession or admission of guilt made by any person whilst he is in the custody of a Police officer, shall be used as evidence against such

Confession made while accused is in custody not to be used as evidence.

person, unless it be made in the immediate presence of a Magistrate.

So much of statement made by accused as relates to fact thereby discovered may be received.

80. Provided that, when any fact is deposed to in evidence as discovered in consequence of information received from a person accused of any offence, or in the custody of a Police officer, so much of such information, whether it amounts to a confession or admission of guilt or not, as relates distinctly to the fact thereby discovered may be received in evidence.

Enquiry by Police.

81. If the person arrested appears from the information obtained to have committed the offence charged, and the offence is not bailable, the officer in charge of the Police-station shall forward him under custody to the Magistrate having jurisdiction in respect of the offence, and shall bind over the prosecutor and witnesses to appear on a fixed day before such Magistrate.

When any subordinate Police officer has made any enquiry under this chapter, he shall, if so required by the officer in charge of the Police-station, submit a report of such enquiry to him, or he may do so without such requisition, and the officer in charge of the Police-station shall then proceed as if he had made the enquiry himself.

Accused not to be detained by Police more than twenty-four hours without special authority.

82. No Police officer shall, without the special order of a Magistrate, detain an accused person in custody for a longer period than, under all the circumstances of the case, is reasonable; and such period shall in no case exceed twenty-four hours.

If the enquiry has not been completed within twenty-four hours, and if there are grounds for believing that the accusation is well founded, the officer in charge of the Police-station shall forward the accused person to the Magistrate, with a short despatch stating the offence for which he has been arrested.

Procedure of Police in case of deficient evidence.

83. If it appears to the officer in charge of the Police-station that there is not sufficient evidence or reasonable ground of suspicion to justify the transmission of the accused person to the Magistrate, such officer shall release the accused person on bail, or on his own recognizance, to appear when required, and shall submit a report of the case for the orders of the Magistrate.

Daily record of proceedings.

84. A Police officer making an enquiry under this chapter, shall day by day enter his proceedings in a diary, setting forth the time at which the complaint or other information reached him, the time at which he began and closed his enquiry, the place or places visited by him, and a statement of the circumstances elicited by his enquiry.

He shall forward day by day a copy of such diary to the District Superintendent of Police, who shall without delay bring to the notice of the Magistrate of the District any part of such diary which he considers it to be important that such Magistrate shall know.

The Magistrate of the District may call for and inspect such diary.

In cases where there is no District Superintendent of Police, the Police officer shall forward day by day a copy of the diary to the Magistrate of the District.

Such diary shall not be evidence of the facts stated therein, except against the Police officer who made it.

Report of Police officer.

85. The enquiry shall be completed without unnecessary delay, and, as soon as it is completed, the Police officer making the same shall forward to the Magistrate a report in the form prescribed by the Local Government, setting forth the names of the parties, the nature of the complaint, and the names of the witnesses, without any expression of opinion as to the guilt of the accused person, and shall also send to the Magistrate any weapon or article which it may be necessary to produce before him.

The Police officer shall state whether the accused person has been forwarded in custody, or has been released on bail or on his own recognizance.

If the accused person be detained in custody, the Police officer shall state the fact and the cause of his detention.

Admission to bail.

86. A person accused of any offence entered as not bailable in column five of the second schedule hereto annexed, shall not be admitted to bail, if there appear reasonable ground for believing that he has been guilty of the offence imputed to him.

But a person accused of any offence entered as bailable shall be admitted to bail, if sufficient bail be tendered for appearance before the Magistrate having jurisdiction in respect of the offence.

Bail not to be excessive.

Terms of security.

87. The bail to be taken under section 86 shall not be excessive; and the surety or sureties shall bind himself or themselves under a specific penalty to produce the accused person before the Magistrate on or before a fixed day, to answer the complaint.

Prosecutors and witnesses to execute recognizances to appear.

88. Every prosecutor and witness whose attendance before the Magistrate is deemed necessary by the Police officer making the enquiry, shall execute a recognizance in the Form (E) given in the appendix hereto, or to the like effect, for appearance before the Magistrate having jurisdiction in respect of the offence on a fixed day.

Such day shall be the day whereon the accused person is to appear, if he has been admitted to bail, or the day on which he may be expected to arrive at the Court of the Magistrate, if he is to be forwarded in custody.

The officer in whose presence the recognizance is executed shall, after delivering to the prosecutor or one of the witnesses a duplicate thereof, send it with his report to the Magistrate.

No Police officer shall accompany the prosecutor or witnesses on his or their way to the Court of the Magistrate.

Prosecutors and witnesses not to be subjected to restraint.

89. A Police officer shall not subject any prosecutor or witness to restraint or unnecessary inconvenience, nor require him to give any other security for his appearance than his own recognizance,

But if any prosecutor or witness refuses to attend, or to execute the recognizance directed in section 88, the officer in charge of a Police-station may forward him under custody to the Magistrate, who may detain him in custody until he executes such recognizance, or until the hearing before the Magistrate.

Recusant prosecutor or witness may be forwarded in custody.

Police to report apprehensions.

90. Officers in charge of Police-stations shall report to the Magistrate of the District the cases of all persons apprehended within the limits of their respective stations, whether such persons have been admitted to bail or otherwise.

Discharge of person apprehended.

No person who has been apprehended shall be discharged, except on bail or on his own recognizance, or under the special order of a Magistrate.

Police to enquire and report on unnatural and sudden deaths.

91. The officer in charge of a Police-station, on receiving notice or information of the unnatural or sudden death of any person, shall immediately give intimation thereof to the nearest Magistrate, and proceed to the place where the body of such deceased person is, and there in the presence of two or more respectable inhabitants of the neighbourhood, shall make enquiry, and report the apparent cause of death, describing any mark of violence which may be found on the body, and stating in what manner or by what weapon or instrument such mark appears to have been inflicted.

The report shall be signed by such Police officer and other persons or by so many of them as concur therein, and shall be forthwith forwarded to the Magistrate.

When there is any doubt regarding the cause of death, the Police officer shall forward the body, with a view to its being examined, to the nearest Civil Surgeon or other medical officer appointed in this behalf by the Local Government, if the state of the weather and the distance admit of its being so forwarded without risk of putrefaction on the road.

In the Presidencies of Madras and Bombay, the Head of the village shall make the enquiry and report as aforesaid.

Substitute for officer in charge of Police-station during his absence or illness.

92. The powers to be exercised by an officer in charge of a Police-station under this chapter shall be exercised, in the event of his absence or illness, by the Police officer next in rank present at the Police-station, above the rank of a constable.

CHAPTER II.—*Of Complaint in order to the issue of a Summons or Warrant.*

Summons or warrant obtained on complaint.

93. A summons or warrant of arrest may be obtained on a complaint.

Examination of complainant.

94. When, in order to the issuing of a summons or a warrant against any person for any offence, a complaint is made before the Magistrate of the District or a Magistrate authorized to receive such complaint without reference from the Magistrate of the District, such Magistrate shall examine the complainant.

The examination shall be reduced into writing and signed by the complainant, and also by the Magistrate.

Issue of summons or warrant.

95. The Magistrate before whom such complaint is duly made shall, if it appear to him that there is sufficient ground for proceeding, issue his summons, or, in cases in which a warrant may issue, his warrant, for causing the person accused to appear before himself or some other Magistrate having jurisdiction.

Dismissal of complaint.

If in the judgment of the Magistrate before whom the complaint is made there be no sufficient ground for proceeding, he shall dismiss the complaint.

Cognizance of offences without complaint made.

96. Except as is otherwise provided in Part X of this Act, the Magistrate of the District, or a Magistrate in charge of a division of a District, may, without any complaint, take cognizance of any offence which may come to his knowledge and may issue a summons, or, in cases where a warrant may issue, a warrant of arrest, against the person known or suspected to have committed such offence, in the same manner as if a complaint had been made against such person.

Proviso.

The provisions of this section shall not apply to the offences described in chapters XIX, XX and XXI of the Indian Penal Code.

On complaint summons may issue.

97. When a complaint is made before a Magistrate having jurisdiction in the case that any person has committed or is suspected of having committed any offence triable by such Magistrate and punishable with fine only or with imprisonment for a period not exceeding six months, the Magistrate may issue his summons directed to such person requiring him to appear at a certain time and place before such Magistrate to answer to the complaint.

If the Magistrate believes that the accused person is about to abscond, he may, instead of issuing a summons, issue a warrant in the first instance for the arrest of such person.

Warrant to arrest if summons not obeyed.

98. If the person served with a summons does not appear before the Magistrate at the time mentioned in such summons, and the Magistrate is satisfied that such summons was duly served in what the Magistrate deems a reasonable time before the time therein appointed for appearing to the same,

or if it appears to the Magistrate that, after due diligence, the summons could not be served according to the provisions of this Act,

the Magistrate may issue his warrant to apprehend the accused person.

In what cases warrant may issue on complaint.

99. When a complaint is made before a Magistrate having jurisdiction in the case that any person has committed or is suspected of having committed any offence triable by such Magistrate and punishable with imprisonment for a period exceeding six months,

or when a complaint is made before any Magistrate or Subordinate Magistrate or other officer empowered to commit persons for trial before the Court of Session that any person has committed

or is suspected of having committed any offence triable exclusively by the Court of Session or which in the opinion of such Magistrate or officer ought to be tried by the Court of Session,

such Magistrate may issue his warrant to arrest such person, or, if he thinks fit, his summons requiring him to appear to answer such complaint.

Postponement of issue of process.

100. If the Magistrate sees cause to distrust the truth of the complaint, he may postpone the issuing of process for causing the attendance of the person complained against, and direct a previous enquiry to be made into the truth of the complaint, either by means of any officer subordinate to such Magistrate, or of a local Police officer, or in such other mode as he thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint.

Dismissal of complaint.

If such enquiry is made by means of some person other than an officer exercising any of the powers of a Magistrate or a Police officer, such person shall exercise all the powers conferred by this Act on an officer in charge of a Police-station, except that he shall have no power to make an arrest.

Nothing contained in this section shall prevent the Magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

Magistrate may direct bail to be taken.

101. It shall be in the discretion of the Magistrate, in issuing his warrant for the arrest of any person against whom a complaint has been made, to direct by endorsement on the warrant that, if he be willing and ready to give bail in a sum to be fixed by the Magistrate for his appearance before the Magistrate to be named in the warrant on a specified day to answer the complaint, the officer to whom the warrant is directed shall accept such bail, and shall release from custody the person complained against.

Bail-bond to be forwarded.

In the event of bail being given, the officer shall forward the bail-bond to the Magistrate.

Magistrate may dispense with personal attendance of accused.

102. Whether a warrant or a summons be issued, the Magistrate may, if he sees sufficient cause, dispense with the personal attendance of the accused person and permit him to appear by an agent duly authorized to act in his behalf.

But it shall be in the discretion of the Magistrate at any stage of the proceedings to direct the personal attendance of the accused person.

Proclamation for person absconding.

103. If any person accused of an offence absconds or conceals himself, so that, upon a warrant issued against him, he cannot be found, the Magistrate shall, if satisfied that he absconds or conceals himself for the purpose of avoiding the service of the warrant, issue a written proclamation, requiring him to appear to answer the complaint within a fixed period not less than thirty days.

The proclamation shall be publicly read in some conspicuous place of the town or village in which the accused person usually resides, and shall be affixed on some conspicuous part of his ordinary place of abode, or on some conspicuous place of such town or village.

A copy of the proclamation shall also be affixed on some conspicuous part of the Magistrate's Court-house.

Attachment of property of person absconding.

104. The Magistrate may, at the same time, order the attachment of any moveable or immoveable property belonging to the person absconding or concealing himself.

Such order shall not authorize the attachment of any property out of the jurisdiction of the Magistrate by whom it is made, but it shall authorize the attachment of property in the jurisdiction of any Magistrate by whom the order is endorsed.

The attachment under this section shall, if the property ordered to be attached be land paying revenue to Government, be made through the Collector of the District in which the land is situate, and, in all other cases, by seizure under the order of the Magistrate or by the appointment of a manager and receiver, or by an order prohibiting the payment of rent to the absent person, as the Magistrate deems proper.

If the absent person does not appear within the time specified in the proclamation, the property under attachment shall be declared to be at the disposal of Government, but shall not be sold until the expiration of six months, unless it is of a perishable nature, or the Magistrate considers that the sale would be for the benefit of the owner.

Restoration of forfeited property.

105. When any person whose property has been declared to be at the disposal of Government under section 104, appears or is found within two years after the attachment of the property, and proves to the satisfaction of the Court trying him for the offence of which he was accused, or, if not tried or committed for trial for that offence, to the satisfaction of the Magistrate of the District, that he did not abscond or conceal himself for the purpose of evading justice, such property, or, if the same has been sold, the proceeds thereof, shall be restored to him.

CHAPTER III.—*Of the Summons.*

Form of summons.

106. Every summons issued by a Magistrate to an accused person shall be in writing and shall be signed and sealed by such Magistrate, and shall be in the Form (A) given in the appendix to this Act, or to the like effect.

Summons by whom served.

107. A summons shall ordinarily be issued through a Police officer; but the Magistrate issuing the summons may, if he see fit, direct it to be served by any other person.

Summons how served.

108. The summons shall be served on the accused personally, by exhibiting the original and delivering or tendering a copy to him, or, in case the accused person cannot be found, the copy may be left for him with some adult male member of his family residing with him.

Service when accused cannot be found.

109. When the accused person cannot be found, and there is no adult male member of his family on whom the service can be made, the serving officer shall fix a copy of the

summons on some conspicuous part of the house in which the accused person ordinarily resides.

Issue of warrant in addition to summons.

110. A Magistrate may (notwithstanding such summons), either before the appearance of the accused person as required by such summons, or after default made by him so to appear, issue a warrant of arrest against such person.

Summons or warrant for offence committed beyond local jurisdiction.

111. The Magistrate of the District or a Magistrate in charge of a division of a District, may issue a summons or warrant for the apprehension of any person within such District or division of a District in respect of any offence known or suspected to have been committed by such person in a different District or division of a District, or on the high seas, or in a foreign country, and for which, if committed within the jurisdiction of such Magistrate, he might issue a summons or warrant.

Provisions in this chapter as to form, service and issue of summons applicable to all summonses.

112. The provisions relating to a summons and its service and issue contained in this chapter, shall be applicable to every summons issued under this Act, except summonses to serve as a juror or assessor:

Provided that, when the person summoned is in the service of Government or of any Railway Company, the Court or Magistrate issuing the summons may send the summons to the head of the office in which the person summoned is employed, and such head shall thereupon cause the summons to be served on the person named therein.

CHAPTER IV.—*Of the Warrant.*

Form of warrant.

113. Every warrant issued by a Magistrate shall be in writing, and shall be signed and sealed by such Magistrate, and shall be in the Form (B) given in the appendix to this Act, or to the like effect.

Warrants to whom directed.

114. A warrant shall ordinarily be directed to a Police officer, but the Magistrate issuing a warrant may, if he see fit, direct it to any other person.

Warrants directed to any person other than a Police officer.

115. When a warrant is directed to a person other than a Police officer, any other person may aid in executing such warrant, if the person to whom the warrant is directed be near at hand and acting in the execution of the warrant.

Warrant to several persons.

116. A warrant may be directed to several persons, and when so directed, may be executed by all, or by any one or more of such persons.

Warrant directed to Police officer.

117. A warrant directed to a Police officer may also be executed by any other Police officer whose name is endorsed upon the warrant by the officer to whom the warrant is directed.

Magistrate issuing warrant may superintend its execution.

118. The Magistrate by whom a warrant of arrest is issued, may attend personally for the purpose of seeing that the warrant is duly executed.

Arrest in presence of Magistrate.

The Magistrate may also at any time direct the arrest in his presence of any person for whose arrest he is competent to issue a warrant.

All persons to assist Magistrate and police in certain cases.

119. Every person is bound to assist a Magistrate or Police officer demanding his aid in the prevention of a breach of the peace,

or in the suppression of a riot or an affray,

or in the taking of any other person whom such Magistrate or Police officer is authorized to arrest.

Where warrant of Magistrate must be executed.

120. A warrant issued by a Magistrate shall ordinarily be executed (unless it be specially otherwise provided) within the jurisdiction of the Magistrate of the District in which it was issued.

Warrant executed in another jurisdiction.

121. When any person against whom a warrant is issued by a Magistrate escapes, goes into, or is in, any place out of the jurisdiction of the Magistrate issuing such warrant, the warrant may be executed in such place.

Procedure in such cases.

If the person against whom the warrant is issued is arrested in such place, the Police officer or other person executing the warrant shall (subject to the provisions of section 122) take him before the Magistrate of the District, or some other Magistrate within whose jurisdiction the arrest was made.

If the offence with which the person arrested is charged be bailable, and he is willing and ready to give bail for his appearance before the Magistrate by whom the warrant was issued, the Magistrate before whom he is brought shall take bail of him for his appearance accordingly, and shall release him from custody, and forward the recognizance or other bail-bond to the Magistrate by whom the warrant was issued.

If the offence be not bailable, or if the person arrested be unable to find bail, he shall be forwarded to the Magistrate by whom the warrant was issued.

When arrest made within local limits of High Court.

If the arrest be made within the local limits of a High Court, the person accused, when arrested, shall be taken before the Chief Commissioner of Police or a Police Magistrate.

Such Chief Commissioner or Police Magistrate shall forward the person arrested to the Magistrate by whom the warrant was issued, or, if the offence with which the person arrested is charged be bailable, shall admit him to bail, and shall forward the recognizance or other bail-bond to such Magistrate.

Where arrest made within twenty miles of place where warrant issued.

122. If the place of arrest under section 121 be within twenty miles from the place at which the warrant was issued, the person arrested may be taken, in the first instance, before the Magistrate who issued the warrant.

123. A Magistrate issuing a warrant for the arrest of a person out of his jurisdiction, may direct the warrant to any Magistrate within whose jurisdiction such person is, or is supposed to be, and may send the same by post.

Direction and transmission of warrant for arrest out of issuer's jurisdiction.

On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name thereon, and enforce its execution in the same manner as if the warrant had been originally issued by himself.

Endorsement and execution of warrant.

If the person named in the warrant be apprehended, he shall be carried before the Magistrate who endorsed it, and shall be dealt with by such Magistrate as provided in section 121.

124. A warrant issued under section 121 for execution within the local limits of a High Court, shall be directed to the Chief Commissioner of Police or to a Police Magistrate, who shall proceed in the manner provided in section 121.

Direction of warrants for execution within local limits of High Court.

125. On the arrest of a person for whose apprehension a warrant has been issued under the provisions of section 111, in respect of an offence known or suspected to have been committed in another District or division of a District, the Magistrate who issued the warrant shall, unless he is authorized to complete the enquiry himself, send the person arrested to the Magistrate within the limits of whose jurisdiction the offence is known or suspected to have been committed, or take bail for his appearance before such Magistrate, if the offence of which such person is suspected is bailable.

Magistrate's procedure on arrest under his own warrant for offence committed out of his jurisdiction.

When the Magistrate who issued the warrant cannot satisfy himself as to the Magistrate to whom the person arrested should be sent, the case shall be reported for the orders of the High Court.

126. If the arrest was made under a warrant issued under section 111 by a Magistrate subordinate to the Magistrate of the District, such Magistrate shall send the person arrested to the Magistrate of the District, unless the Magistrate in whose jurisdiction the offence is suspected to have been committed issues his warrant for the arrest of such person, in which case the person arrested shall be delivered to the Police officer or other person executing such warrant, or shall be sent to the Magistrate by whom such warrant was issued.

Procedure where such warrant issued by Subordinate Magistrate.

If the offence of which the person arrested is suspected has been committed in the jurisdiction of another Subordinate Court of the same District, the Magistrate who issued the warrant under section 111 shall send the person arrested to the Magistrate in charge of the division in which the offence was committed.

127. A Police officer or other person executing a warrant of arrest, shall notify the substance of the warrant to the person to be arrested, and, if required to do so, shall show the warrant to such person.

Notification of substance of warrant.

128. In making an arrest, the Police officer or other person executing the warrant shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

Warrant how executed.

129. If a person against whom a warrant of arrest is issued forcibly resists the endeavour to arrest him, the Police officer or other person executing the warrant may use all means necessary to effect the arrest.

Resisting endeavour to arrest.

130. If there is reason to believe that any person against whom a warrant has been issued has entered into, or is within, any house or place, it shall be the duty of any person residing in or in charge of such house or place, on demand of the Police officer or other person executing the warrant, to allow such Police officer or other person free ingress thereto, and to afford all reasonable facilities for a search therein.

Search of house entered by person against whom warrant issued.

131. The Police officer or other person authorized by warrant to arrest a person, may break open any outer or inner door or window of any house or place, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking of door or window.

132. If information be received that a person accused of any offence for which a warrant may issue is concealed in an apartment in the actual occupancy of a woman who, according to the customs of the country, does not appear in public, the Police officer or other person employed to execute the warrant shall take such precautions as may be necessary to prevent the escape of the accused person.

Breaking open zenána.

If the accused person does not deliver himself up, the Police officer or other person authorized to execute the warrant may notify his authority and purpose, and demand admittance.

If after such notification and demand he cannot otherwise obtain admittance, he shall give notice to any woman as aforesaid in such apartment, not being a person against whom a warrant has been issued, that she is at liberty to withdraw, and afford her every reasonable facility for withdrawing, and may then break open the apartment and execute the warrant.

133. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

No unnecessary restraint.

134. The officer or other person executing the warrant shall, without unnecessary delay, bring the person arrested before the Magistrate before whom he is required by this Act to produce him.

Person arrested to be brought before Magistrate.

135. No Police officer or other person shall offer to the person arrested any inducement, by threat or promise or otherwise, to make any disclosure.

Inducements to disclosure or confession.

But no Police officer or other person shall prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

136. The provisions relating to a warrant and its service and issue contained in this chapter, shall be applicable to every warrant of arrest issued under this Act.

Provisions as to warrant and its service and issue applicable to all warrants of arrest.

CHAPTER V.—*Arrest without Warrant.*

137. A Police officer may, without orders from a Magistrate and without a warrant, arrest,—

When Police may arrest without warrant.

First.—Any person who in the sight of such Police officer shall commit an offence specified in column three of the second schedule hereto annexed as an offence for which Police officers may arrest without a warrant.

Secondly.—Any person against whom a reasonable complaint has been made or a reasonable suspicion exists of his having been concerned in any such offence.

Thirdly.—Any person against whom a hue and cry has been raised of his having been concerned in any such offence.

Fourthly.—Any person who is a proclaimed offender.

Fifthly.—Any person found with stolen property in his possession.

Sixthly.—Any person who obstructs a Police officer while in the execution of his duty, and,

Seventhly.—Any deserter from Her Majesty's Army or Her Majesty's Indian Army.

138. Any person known or suspected to have committed an offence for which a Police officer is not authorized to arrest without a warrant, and who refuses on demand of a Police officer to give his name and residence,

Person charged refusing to give his name and residence.

or gives a name or residence which there is reason to believe to be false,

may be detained by such Police officer for the purpose of ascertaining the name or residence of such person and with a view to future proceedings.

139. An officer in charge of a Police-station may, without orders from a Magistrate and without a warrant, arrest or cause to be arrested any person found lurking within the limits of such station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself,

Arrest of vagabonds.

or any person who is a reputed robber, housebreaker, thief, receiver of stolen property knowing it to be stolen,

or who is of notoriously bad livelihood.

140. Every Police officer shall prevent, and he may interpose for the purpose of preventing, the commission of any offence specified in column three of the second schedule hereto annexed as an offence for which Police officers may arrest without a warrant.

Police to prevent certain offences.

141. Every Police officer receiving information of a design to commit any such offence, shall communicate such information to the Police officer to whom he is subordinate, and to any other officer whom it may concern to prevent or take cognizance of the commission of any such offence.

Information of design to commit such offences.

142. A Police officer knowing of a design to commit any such offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if the commission of the offence cannot be otherwise prevented.

Arrest to prevent such offences.

143. A Police officer may, of his own authority, interpose for the prevention of any injury attempted to be committed in his view to any public building, work of art, road, bridge, tank, well, or water-channel,

Injury to public property.

or to prevent the removal or injury of any public land-mark or buoy, or other mark used for navigation.

144. If there is reason to believe that any person liable to arrest under this chapter without a warrant, of whom a Police officer is in search, has entered into or is within any house or place, it shall be the duty of the person residing in or in charge of such house or place, on the demand of such Police officer, to allow ingress thereto, and all reasonable facilities for a search therein.

Ingress to be allowed into house entered by person of whom Police in search.

145. If ingress to such house or place cannot be obtained under section 144, the Police officer authorized to make the arrest shall take such precautions as may be necessary to prevent the escape of the person to be arrested and send immediate information to a Magistrate.

Procedure where ingress not obtainable.

If no warrant can be obtained without affording such person an opportunity of escape, and there is no person authorized to enter without a warrant on the spot, the Police officer may make an entry into such house or place and search therein.

146. A Police officer making an arrest under this chapter shall, without unnecessary delay, take or send the person arrested before the Magistrate having jurisdiction in the case, or before the officer in charge of a Police-station.

Person arrested to be taken before Magistrate or officer in charge of Police-station.

147. When any offence is committed in the presence of a Magistrate, he may order any person to arrest the offender, and may thereupon commit him to custody, or, if the offence is bailable, may admit him to bail.

Offence committed in Magistrate's presence.

148. A Magistrate or officer in charge of a Police-station may command an unlawful assembly to disperse, and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

Unlawful assembly to disperse on order.

149. If a person lawfully arrested under the provisions of this Act escapes or is rescued, the Police officer or other person from whose custody the person so arrested has escaped or has

Re-taking of person escaped.

been rescued, may make fresh pursuit, and take him in any place, either within or without the jurisdiction where he was so in custody, and may deal with such person as such Police officer or other person might have done on an original taking.

Course to be followed in order to re-take.

150. In order to re-take any person, as provided in section 149, the Police officer or other person making such fresh pursuit may adopt the same measures as he might have adopted on the original taking.

Procedure when Police officer deputes subordinate to arrest without warrant.

151. When any officer in charge of a Police-station requires any officer subordinate to him to make without a warrant an arrest which may lawfully be made by such officer without a warrant, he shall deliver to the Police officer required to make the arrest, an order in writing, specifying the person to be arrested, and the offence for which the arrest is to be made.

The provisions of sections 119 and 127 to 133 (inclusive) shall apply to every order in writing issued under this section.

Police may pursue offenders into other jurisdictions.

152. For the purpose of arresting any person accused of any of the offences specified in column three of the second schedule hereto annexed as offences for which Police officers may arrest without a warrant, a Police officer may pursue any such person into the limits of another Police officer, whether subordinate to the same Magistrate as himself, or to the Magistrate of any other District, and whether such place be under the same Local Government or not.

Detention of offenders attending Court.

153. Any person attending the Court of the Magistrate, although not upon an arrest or summons on a charge made, may be detained by the Magistrate for the purpose of examination, for any offence which from the evidence he may appear to have committed, and may be proceeded against as though he had been arrested or summoned on a charge made.

PART III.

INQUIRY AND TRIAL.

CHAPTER I.—*Preliminary.*

Right of accused to be defended.

154. Every person charged before any Criminal Court with an offence may of right be defended by any barrister or attorney of a High Court, or by any pleader duly qualified under the provisions of Act No. XX of 1865, or any other law in force for the time being relating to pleaders.

Any such person may, with the permission of the Court (but not otherwise), employ any mukhtár or other person not being a barrister, attorney, or pleader, to assist him in his defence.

Magistrate's Court to be open.

155. The place in which the Court of a Magistrate is held for the trial of any complaint or for the purpose of conducting any preliminary investigation into any case triable by a Court of Session or the High Court or any Superior Court, shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them.

But any such Court may, if it think fit, order that, during the investigation into any particular case triable by a Court of Session or by the High Court, no person shall have access to or be or remain in such room or building without the consent or permission of the Court.

CHAPTER II.—*Cases usually tried by Magistrates upon Summons.*

Procedure in cases tried upon summons.

156. The following procedure shall be observed in cases usually tried by Magistrates upon summons.

Defendant may be admitted to bail or allowed to be at large on his personal recognizance.

157. If upon the day appointed, the accused person appears voluntarily in obedience to the summons in that behalf served upon him, or is brought before the Magistrate by virtue of a warrant, it shall be at the discretion of the Magistrate to admit him to bail, or allow him to be at large upon his personal recognizance, as the Magistrate directs.

If the accused person cannot give bail when required to do so, he shall be committed to custody.

Non-appearance of complainant.

158. If upon the day appointed for the appearance of the accused person, or any day subsequent thereto on which the case may be called on, the complainant does not appear, the Magistrate shall dismiss the complaint, unless for some reason he thinks proper to adjourn the hearing of the same to some other day, upon such terms as he thinks fit.

Substance of complaint to be stated.

159. On the appearance of both parties on the day fixed for the trial, the substance of the complaint shall be stated to the accused person, and he shall be asked if he has any cause to show why he should not be convicted.

If the accused person admit the truth of the

Conviction on admission of truth of complaint.

complaint, and show no sufficient cause why he should not be convicted, the Magistrate may convict him accordingly.

Procedure when no such admission is made.

160. If the accused person do not admit the truth of the complaint, the Magistrate shall proceed to hear the complainant and such witnesses as he produces in support of his complaint, and also to hear the accused person and such witnesses as he produces in his defence.

Adjournment.

161. Before or during the hearing of any complaint, the Magistrate may adjourn the hearing of the same to a day to be then appointed and stated in the presence and hearing of the party or parties.

If on the day to which such hearing or such further hearing has been so adjourned, the accused person does not appear, the Magistrate may issue his warrant for the arrest of such person.

If the complainant does not appear the Magistrate may dismiss the complaint.

Compensation in cases of frivolous or vexatious complaints.

162. Whenever the Magistrate dismisses the complaint as frivolous or vexatious, he may, in his discretion, by his order of dismissal, award that the complainant shall pay to the accused person such compensation, not exceeding fifty rupees, as to such Magistrate seems just and reasonable.

In such cases, if more persons than one are accused, the Magistrate may in like manner award compensation not exceeding fifty rupees to each of them.

Recovery of such compensation.

The sum so awarded shall be recoverable by distress and sale of the moveable property belonging to the complainant, which may be found within the jurisdiction of the Magistrate of the District, and, in default of such distress, by imprisonment of the complainant in the civil jail, for any time not exceeding thirty days, unless such sum is sooner paid.

Withdrawal of complaint.

163. If a complainant at any time before a final order is passed in any case under this chapter satisfies the Magistrate that there are sufficient grounds for permitting him to withdraw his complaint, the Magistrate may permit him to withdraw it.

A complaint withdrawn under this section shall not again be entertained.

Acquittal.

164. If the Magistrate, in any case tried under this chapter, finds the accused person not guilty, he shall record a judgment of acquittal.

Sentence.

If the accused person is convicted, the Magistrate shall pass sentence upon him according to law.

When the personal attendance of the accused person during the trial has been dispensed with, the sentence of the Magistrate, if the sentence be for fine only, may be pronounced in the presence of the agent, if the accused person has been permitted to appear by agent, or the accused person may be required to attend to hear such sentence.

CHAPTER III.—*Cases usually tried by Magistrates upon Warrant, and preliminary inquiries before Magistrates in cases triable by the Court of Session.*

Procedure in cases tried upon warrant.

165. The following procedure shall be observed in cases usually tried before Magistrates upon warrant and in preliminary inquiries before Magistrates in cases triable by the Court of Session.

Examination of complainant and witnesses for prosecution.

166. When the person against whom the warrant is issued appears or is brought before the Magistrate, or if his personal attendance is dispensed with, when the Magistrate thinks fit, the Magistrate shall take the evidence of the complainant and of such persons as are stated to have any knowledge of the facts which form the subject matter of the accusation and the attendant circumstances.

Examination to be in presence of accused.

167. The complainant and the witnesses for the prosecution shall be examined in the presence of the accused person, or of his agent when his personal attendance is dispensed with and he appears by agent.

Accused may cross-examine.

The accused person or his agent shall be permitted to cross-examine the complainant and his witnesses.

Power of Magistrate to summon and examine any person.

168. The Magistrate may at any stage of the proceedings summon and examine any person whose evidence he considers essential to the enquiry.

Examination of accused.

169. The Magistrate may from time to time, at any stage of the enquiry, examine the accused person, and put such questions to him as he considers necessary.

It shall be in the option of the accused person to answer such questions.

Adjournment of enquiry and remand.

170. If from the absence of a witness or from any other reasonable cause, it becomes necessary or advisable to defer the examination, or further examination, of witnesses, the Magistrate may, by a written order, from time to time, adjourn the enquiry, and remand the accused person for such time as is deemed reasonable, not exceeding fifteen days:

Provided that, instead of detaining the accused person in custody during the period for which he is so remanded, the Magistrate may discharge him, upon his entering into a recognizance, with or without a surety or sureties, at the discretion of such Magistrate, conditioned for his appearance before the Magistrate at the time and place appointed for the continuance of such examination.

Discharge of accused.

171. When the evidence of the complainant and of the witnesses for the prosecution, and such examination of the accused person as the Magistrate considers necessary, have been taken, the Magistrate, if he finds that no offence has been proved against the accused person, and that there are not sufficient grounds for committing him to take his trial before the Court of Session, shall discharge him.

Charge when offence is apparently proved.

172. If the Magistrate finds that an offence is apparently proved against the accused person, which falls within the definition in a certain section of the Indian Penal Code, or within one or other of the definitions in several sections of the said Code, and if the Magistrate is competent to try such offence and thinks he ought to try it, he shall prepare in writing a charge against the accused person.

Plea.

173. The charge shall then be read to the accused person, and he shall be asked whether he is guilty or has any defence to make.

Defence.

174. If the accused person have any defence to make to the charge, he shall be called upon to enter upon the same, and to produce his witnesses if in attendance, and shall be allowed to recall and cross-examine the witnesses for the prosecution.

Acquittal.

175. If the Magistrate finds the accused person not guilty, he shall record judgment of acquittal.

If the accused person is convicted, the Magistrate shall pass sentence upon him according to law.

Conviction.

176. When evidence has been given before a Magistrate which appears to be sufficient for the conviction of the accused person of an offence which is triable exclusively by the Court of Session, or which, in the opinion of the Magistrate, is one that ought to be tried by the Court of Session, the accused person shall be sent for trial by the Magistrate before the Court of Session.

When defendant to be committed for trial.

If the Magistrate is a Justice of the Peace and the accused person is a European British subject, the Magistrate shall ask the accused person whether he wishes to be tried by the High Court or the Court of Session,

and if the accused person says that he wishes to be tried by the High Court, he shall be sent for trial accordingly.

But if he says that he wishes to be tried by the Court of Session, the Magistrate shall, in his discretion, send the accused person for trial before the Court of Session or the High Court, as the Magistrate thinks fit.

177. When the Magistrate determines to send the accused person before the Court of Session for trial, he shall make a written instrument under his hand and seal, declaring with what offence the accused person is charged, and shall direct him to be tried by such Court on such charge.

Contents of charge.

A copy of this instrument shall be forwarded with the record of the preliminary enquiry to the Court of Session before which the accused person is to be tried, and a copy shall also be sent to the public prosecutor or to the officer appointed to conduct the prosecution.

Copy of charge.

178. As soon as the charge on which the accused person is to be tried has been prepared, it shall be read to him, and a copy or translation thereof shall be furnished to him, if he so require.

Copy of charge to be furnished to accused.

179. The accused person shall be required at once to give in, orally or in writing, a list of witnesses whom he may wish to be summoned to give evidence on his trial before the Court of Session or High Court.

List of witnesses for defence on trial.

It shall be in the discretion of the Magistrate to allow the accused person to give in any further list of witnesses at a subsequent time.

Further list.

180. When a commitment is made to the Court of Session, the record of the Magistrate shall be forwarded to such Court, together with any weapon or other article of property connected with the case.

Record to be forwarded to Superior Court.

When a commitment is made to the High Court, such record and such weapon or other article shall be forwarded to the Clerk of the Crown, and if any part of such record is not in English, a translation thereof in English shall be forwarded therewith.

181. When the preliminary enquiry is concluded, the accused person shall, if he demands them at a reasonable time before the trial, be furnished with copies of the depositions. Such copies shall be made at his expense.

Copies of depositions to be furnished to accused.

182. When the accused person is committed to take his trial before the Court of Session, the Magistrate shall issue an order to the Government Pleader or other officer appointed by the Government to conduct prosecutions before the Court of Session, notifying such commitment, and stating the offence in the same form as the charge.

When commitment made, Magistrate to give notice to Government prosecutor.

Nothing in this section shall preclude the Magistrate, if he thinks fit, from appointing a person other than such Government Pleader or officer to conduct the prosecution.

CHAPTER IV.—*Inquiry by Subordinate Magistrates.*

183. Criminal cases brought before the Magistrate of the District or a Magistrate in charge of a division of a District, either on complaint preferred directly to such Magistrate or on the report of a Police officer, may be referred by such Magistrate to any Magistrate subordinate to him.

Reference of cases to Subordinate District Magistrate.

The reference shall be for enquiry or for trial, if the offence be triable by such Subordinate Magistrate,

or with a view to commitment to the Court of Session if such Magistrate is competent to commit to the Court of Session,

or with a view to commitment to the High Court if such Subordinate Magistrate is competent to commit to the High Court:

Provided that nothing in this section shall prevent any Subordinate Magistrate from entertaining, either on complaint preferred directly to such Magistrate or on the report of a Police officer (in cases in which the Subordinate Magistrate is authorized to receive such report), any case that such Magistrate is, by any law for the time being in force, competent to entertain.

Proviso.

184. When a criminal case is referred under this chapter to a Subordinate Magistrate, the order of reference, if the case has been brought forward on the report of a Police officer, shall be recorded on such report, and all processes issued for causing the attendance of the accused person or the witnesses, shall direct them to attend before such Court.

Record of order of reference.

Processes.

185. In the enquiry into or trial of cases under this chapter, the Subordinate Magistrates shall be guided by the rules herein prescribed for the guidance of the Magistrate of the District in similar cases;

Subordinate Magistrates to follow same procedure as Magistrate.

Police officers and others shall be bound to obey all orders and processes issued in such cases, in like manner as if such orders or processes had been issued by the Magistrate of the District.

186. If, in the course of a trial before a Subordinate Magistrate, the evidence appears to him to warrant a presumption that the accused person has been guilty of an offence which such Magistrate is not competent to try,

Procedure of Subordinate Magistrate in cases beyond his jurisdiction.

or for which he is not competent to commit the accused person for trial,

he shall stay proceedings and submit the case to the Magistrate to whom he is subordinate, or to such other Magistrate having jurisdiction as the Magistrate of the District directs.

The Magistrate to whom the case is submitted shall either try the case himself or refer it to any officer subordinate to him having jurisdiction, or he may commit the accused person for trial.

In any such case, such Magistrate or other officer as aforesaid shall examine the parties and witnesses, and shall proceed in all respects as if no proceedings had been held in any other Court.

But any statement or confession duly made by an accused person in the course of the trial before the Subordinate Magistrate shall be admissible as evidence.

187. Whenever a Subordinate Magistrate having jurisdiction finds the accused person guilty, and considers that he ought to receive a more severe punishment than the Subordinate Magistrate is competent to adjudge, the Subordinate Magistrate may record the finding and submit his proceedings to the Magistrate to whom he is subordinate.

Procedure when Subordinate Magistrate cannot pass sentence sufficiently severe.

Such Magistrate, if he thinks fit, may examine the parties and recall and examine any witness who has already given evidence in the case, and he may call for or take any further evidence, and shall pass such sentence or order in the case as he deems proper, and as is according to law.

Or the Subordinate Magistrate may, if he is empowered to hold the preliminary enquiry into cases triable by the Court of Session and to commit persons to take their trial before such Court, commit the accused person for trial before the Court of Session instead of finding him guilty.

Subordinate Magistrate may commit accused for trial before Court of Session.

CHAPTER V.—*Trial by Court of Session.*

188. Except in the cases referred to in section 421, no Court of Session shall take cognizance of any offence as a Court of original criminal jurisdiction except upon a charge preferred by a Magistrate or other officer specially empowered under this Act or under any other law to make commitments to such Court.

Cognizance of offences by Court of Session in original jurisdiction.

189. When the Court is ready to commence the trial, the accused person shall be brought before it, and the charge shall be read and explained to him, and he shall be asked whether he is guilty of the offence charged, or claims to be tried.

Commencement of trial.

If the accused person pleads guilty, the plea shall be recorded, and he may be convicted thereon.

Plea of guilty.

190. If the accused person refuses to plead, or claims to be tried, the Court shall proceed to choose jurors or select assessors as hereinafter directed, and to try the case.

Refusal to plead, or claim to be tried.

191. In every trial before a Court of Session, the prosecution shall be conducted by the Government Pleader or by some other officer specially empowered in that behalf, and the complainant, if there be a complainant, shall be examined as a witness in the case.

Trial before Court of Session to be conducted by Government Pleader.

192. The examination of the accused person before the Magistrate shall be given in evidence at the trial.

Examination of accused before Magistrate to be evidence.

The attestation of the Magistrate shall be sufficient *primâ facie* proof of such examination, and such attestation shall be admitted without proof of the signature to it, unless the Court sees reason to doubt its genuineness.

Proof of such examination.

193. When the case for the prosecution has been brought to a close, the Court may, if it considers that there are no grounds for proceeding with the trial, record a judgment of acquittal; otherwise the accused person shall be called upon to enter upon his defence, and to produce his evidence.

Acquittal.

Defence.

At the close of the evidence, if any is produced on behalf of the accused person, and if not, at the close of the case for the prosecution, the Court may examine the accused person as hereinafter provided, after which he or his Counsel or agent may address the Court on the subject of such examination.

194. The accused person or his Counsel or agent may, at his option, address the Court at the close of the case for the prosecution, or at the close of any evidence that may be adduced on his behalf.

When accused may address Court.

195. If any evidence is adduced on behalf of the accused person, or if he answers any question put to him by the Court, the prosecutor, or the Counsel or agent for the prosecution, shall be entitled to reply.

Prosecutor's right of reply.

196. If the accused person is acquitted, the Court shall record a judgment of acquittal.

Judgment of acquittal.

If the accused person is convicted, the Court shall proceed to pass sentence upon him according to law.

Sentence.

197. The Court may, in its discretion, from time to time adjourn the trial.

Adjournment.

198. A Court of Session may direct the postponement of a trial, when it is satisfied that such postponement is proper and will promote the ends of justice.

Postponement of trial.

CHAPTER VI.—*Duties of Assessors and Juries in trials by Court of Session.*

199. In all trials before the Court of Session, there shall be either assessors or jurors, of whom lists shall be formed, and who shall be summoned to attend the sittings of the Court of Session, in the manner hereinafter provided.

Trials before Court of Session to be by assessors or jurors.

200. In a trial before the Court of Session, not by jury, the trial shall be conducted with the aid of two or more assessors as members of the Court, who shall be selected by the Judge from the persons summoned to act as assessors.

Trial with aid of assessors.

201. The opinion of each assessor shall be given orally and shall be recorded in writing by the Court, but the decision is vested exclusively in the Judge.

Decision vested in Judge.

202. If, in the course of a trial with the aid of assessors, at any time prior to the finding, any assessor is, from any sufficient cause, prevented from attending through the trial, the trial shall proceed with the aid of the other assessor or assessors.

Procedure when assessor is unable to attend.

If all the assessors are prevented from attending through the trial, the proceedings shall be stayed, and a new trial shall be held with the aid of fresh assessors.

203. The Local Government may order that the trial of all offences or of any particular class of offences before any Court of Session shall be by jury in any District, and such Local Government may from time to time revoke or alter such order.

Local Government may order trials before Court of Session to be by jury.

The Local Government may also, if it see fit, direct that, in any District or in any class of offences, the jurors shall, before the trial, be sworn in such form as the Government may prescribe.

Orders passed under this section shall be published in the official Gazette, and in such other manner as the Local Government from time to time directs.

204. In trials by jury before the Court of Session, the jury shall consist of five persons, or of such number, being an uneven number, and not being less than three nor more than nine, as the Local Government, by any general order applicable to any particular District or to any particular classes of offences in that District, directs.

Number of jury.

205. Whenever a trial by jury is to be held, the persons who are to constitute the jury shall be chosen by lot immediately before the commencement of the trial from the jurors who attend in obedience to the summons.

Jurors to be chosen by lot.

206. Before the commencement of a trial by jury the names of the jurors shall be called aloud, and, upon the appearance of each juror, the accused person shall be asked if he objects to be tried by such juror.

Names of jurors to be called.

Objection may then be made to such juror by the accused person or by the Government Pleader or other person appointed to conduct the prosecution, and the grounds of objection shall be stated.

Objections to jurors.

Any objection made to a juror shall be decided by the Court, and the decision of the Court shall be final.

If an objection be allowed, the place of such juror shall be supplied by any other juror attending in obedience to a summons, or, if there be no such juror present, then by any other person present in the Court whose name is on the list of jurors, or whom the Court considers a proper person to serve on the jury, provided no objection to such juror or other person be made and allowed.

207. Any objection taken to a juror on any of the following grounds, if made out to the satisfaction of the Court, shall be allowed :—

Grounds of objection.

(1.) any ground of disqualification within section 357;

(2.) standing in the relation of husband, master or servant, landlord or tenant, to the person alleged to be injured or attempted to be injured by the offence charged, or to the person on whose complaint the prosecution was instituted, or to the person accused;

(3.) being in the employment on wages of either of such persons;

(4.) being plaintiff or defendant against either of such persons in any civil suit,

(5.) having complained against, or having been accused by, either of such persons in any criminal prosecution,

(6.) any circumstance which, in the judgment of the Court, is likely to cause prejudice against, or favour to, either of such persons.

208. The Judge shall not allow any person to serve on the jury, unless such person understands the language in which the evidence is given or interpreted.

Juror to understand the language in which evidence is given or interpreted.

209. The jury shall appoint one of their number to be foreman.

Foreman of jury.

It shall be the duty of the foreman to preside in the debates of the jury, to deliver the verdict of the jury, or to ask any information from the Court that may be required by the jury.

If a majority do not agree in the appointment of a foreman, he shall be named by the Court.

Each juror shall, before the trial, make oath to the following effect :—"I, *A. B.*, do swear [*or* solemnly affirm] that I will truly judge in the case of the prisoner [*or* prisoners] at the bar and give my verdict according to the evidence."

Jurors to be sworn.

210. The same jury, if not objected to, may try, or the same assessors may aid in the trial of, as many accused persons successively as to the Court seems meet.

The same jury or assessors may try in succession several offenders.

211. Whenever, in the opinion of the Court, it is proper and convenient that the jury or assessors should view the place in which the offence charged is said to have been committed, or any other place in which any other transaction material to the enquiry in the trial took place, an order shall be made to that effect, and the jury or assessors shall be conducted in a body, under the care of an officer of the Court, to the place which

View by jury or assessors.

shall be shown to them by a person appointed by the Court.

Such officer shall not suffer any other person to speak to, or hold any communication with, any of the jury or assessors, and they shall, when the view is finished, be immediately conducted back into Court.

212. If, in the course of a trial by jury at any time prior to the finding, any juror, from any sufficient cause, is prevented from attending through the trial,

Procedure when juror becomes unable to attend.

or if any juror absents himself, and it is not possible to enforce his attendance,

a new juror shall be added, or the jury shall be discharged, and a new jury empanelled, and in either case the trial shall commence anew.

213. In a trial by jury, the Judge shall sum up the evidence on both sides.

Summing up evidence.

The jury shall then deliver their finding upon the charge.

A statement of the Judge's direction to the jury shall form part of the record.

In trials not by jury, the ground of the Judge's decision shall be recorded.

214. At the close of the trial, and after the Judge has summed up the evidence as hereinbefore provided, the jury may retire to consider their finding, and it shall be the duty of an officer of the Court not to suffer any person to speak to, or hold any communication with, any member of such jury.

Retirement of jury to consider finding.

215. In any case in which a jury is prepared to deliver their finding, the Judge shall ask the jury whether they are unanimous, and if they are unanimous, their verdict shall be accepted and the accused person shall be acquitted or convicted accordingly.

Procedure where jury are unanimous.

216. If the jury are not unanimous, the Judge may require them to retire for further consideration. After such a period as the Judge considers reasonable, the jury may deliver their verdict although they are not unanimous.

Procedure where jury differ.

217. If a majority of not less than two-thirds agree to convict the prisoner, and if the Judge agrees in their verdict, the prisoner shall be convicted. In any other case he shall be acquitted.

Conviction.

Acquittal.

218. If a trial is adjourned, the jury or assessors shall be required to attend at the adjourned sitting, and at every subsequent sitting, until the conclusion of the trial.

Jury or assessors to attend at adjourned sitting.

219. Criminal trials before the Court of Session in which a European (not being a British subject) or an American is the accused person, or one of the accused persons, shall be by jury.

Jury for trial of Europeans or Americans.

In such case the jury, if such European or American desire it, shall consist of at least one-half of Europeans (whether British subjects or not) or Americans, if such a jury can be procured :

Provided that, in any District in which the Local Government has not ordered that all trials or trial for all offences of the class within which the trial about to take place falls, shall be by jury, such European or American may elect to be tried without jury.

Election to be tried without jury.

220. When a trial is held in which the accused person or one of the accused persons is entitled to be tried by a jury constituted under the provisions of section 219, the Court of Session shall, three days at least before the day fixed for holding such trial, cause to be summoned in the manner hereinafter prescribed as many European or American jurors as are required for the trial, if there be so many on the jury-list of the District.

Summoning and empanelling jurors under section 219.

The Court shall also at the same time in like manner cause to be summoned the same number of other persons named in the revised list, unless such number of such other persons shall have been summoned for jury trials at that session.

From the whole number of persons returned, the jurors who are to constitute the jury shall be taken by lot in the manner prescribed in section 205 until a jury containing the proper number of Europeans or Americans, or a number approaching thereto as nearly as possible, has been obtained.

If a jury containing the requisite number of Europeans and Americans be not obtained, the accused person may elect to be tried by the Judge with the aid of assessors; otherwise he shall be tried by the jury obtained by the means aforesaid.

221. In a trial by jury before the Court of Session of a person not being a European or an American, at least one-half of the jury, if the accused person desire it, shall consist of persons who are neither Europeans nor Americans.

Jury for trial of persons not Europeans or Americans.

222. In any case before the Court of Session, in which a European or American is charged jointly with a person of any other race, such other person shall, if he desire it, be tried separately if the European or American claims to be tried by a jury consisting of at least one-half of Europeans and Americans.

Jury when European or American charged jointly with one of another race.

PART IV.

APPEAL, REFERENCE, AND REVISION.

CHAPTER I.—*Appeal.*

223. Any person convicted on a trial held by an officer exercising powers less than those of a Magistrate, may appeal to the Magistrate of the District or other officer exercising the powers of a Magistrate, who has been empowered by the Local Government to hear such appeals.

Appeals from officers exercising powers less than those of a Magistrate.

224. Any person convicted by any Civil, Criminal or Revenue Court under Part VIII of this Act, chapter III, may appeal to the Court to which decrees or orders made in such Court are ordinarily appealable, subject to the rules provided in sections 232, 233, 234, 236, 237, and 238.

Appeals from convictions by Civil Courts.

Petitions of appeal under this section, if presented to any District Court, must be presented within thirty days from the day on which the sentence or order appealed against is passed.

Appeals from Justices of the Peace.

225. Any person convicted and sentenced by any Justice of the Peace exercising jurisdiction under section 47 or under section 387 or 389, may appeal to the Court of Session of the District in which the trial was held.

Cases appealed under this section shall not be afterwards liable to revision by means of a writ of *certiorari*:

Provided that nothing in this section shall take away the power of quashing any conviction by means of a writ of *certiorari* in any case where there has been such an appeal as aforesaid.

Appeals from Magistrates.

226. Any person convicted on a trial held by the Magistrate of the District or other officer exercising the powers of a Magistrate, or required by such Magistrate or other officer under section 443 or section 444 to give security for good behaviour, may appeal to the Court of Session of the District.

Appeals by persons convicted by officers invested under section 26.

227. Any person convicted on a trial held by any officer invested with the power described in section 26, may appeal to the High Court, and no appeal against such conviction shall lie to the Court of Session.

Appeals by persons convicted by Session Court.

228. Any person convicted on a trial held by a Court of Session may appeal to the High Court.

If the conviction was in a trial held with the aid of assessors, the appeal may be on a matter of fact as well as on a matter of law.

If the conviction was on a trial by jury, the appeal shall be admissible on a matter of law only.

No appeal in case of acquittal.

229. There shall be no appeal from a judgment of acquittal passed in any Criminal Court.

No appeal in petty cases.

230. There shall be no appeal in cases in which a Court of Session or the Magistrate of a District or other officer exercising the powers of a Magistrate passes a sentence of imprisonment not exceeding one month, or of a fine not exceeding fifty rupees.

Time for presenting appeals.

231. Petitions of appeal to any Appellate Court, except the High Court, must be presented within thirty days from the day on which the sentence or order appealed against is passed.

Petitions of appeal to the High Court must be presented within sixty days, calculated as above.

An appeal may be admitted after the time herein provided on sufficient cause shown.

Copy of sentence to accompany petition.

232. Every petition of appeal shall be accompanied by a copy of the sentence or order appealed against.

Rejection of appeal.

233. The Appellate Court may reject the appeal if, on a perusal of the petition of appeal and the copy of the sentence or order appealed against, and after hearing the appellant or his Counsel or agent if they appear, the Court considers that there is no sufficient ground for questioning the correctness of the decision or for interfering with the sentence or order appealed against.

Before rejecting the appeal, the Court may call for and peruse any part of the proceedings of the lower Court, but shall not be bound so to do.

Procedure where appellant in jail.

234. If the party appealing be in jail in pursuance of the sentence or order appealed against, he shall be at liberty to present his petition of appeal and the copy of the sentence or order appealed against, to the Magistrate or other officer in charge of the jail, who shall thereupon forward the petition to the proper appellate authority.

Copy of sentence or order to be furnished.

235. A copy of the final sentence or order passed by any Criminal Court, together with the reasons for passing or making the same, shall be furnished without delay on the application of any party to the case in which such sentence or order was passed.

Such copy shall be made at the expense of the person applying for it, unless he is in confinement under the sentence or order and is desirous of appealing against the same, or unless the Court, for any special reason, sees fit to grant such copy free of expense.

Appellate Court may alter or reverse finding and sentence.

236. The Appellate Court, after perusing the proceedings of the lower Court and after hearing the plaintiff or his Counsel or agent if they appear, may alter or reverse the finding and sentence or order of such Court, but not so as to enhance any punishment that has been awarded.

Suspension of sentence pending appeal.

237. In any case in which an appeal is allowed, the Appellate Court may, pending the appeal, order that the sentence be suspended, and if the appellant be in confinement for an offence which is bailable, may order that he be released on bail; and the High Court may exercise the same authority in cases coming before it as a Court of Revision.

Release of appellant on bail.

Appellate Court may direct further enquiry.

238. In any case in which an appeal has been allowed, the Appellate Court, if it think further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the appellant to be necessary, may direct such enquiry to be made and additional evidence to be taken.

The result of the further enquiry and the additional evidence shall be certified to the Appellate Court, and such Court shall thereupon proceed to dispose of the appeal.

Unless the Appellate Court otherwise directs, the presence of the appellant may be dispensed with when the further enquiry is made or evidence taken.

The provisions of this Act relating to summoning and enforcing the attendance of witnesses and their examination shall, so far as may be, apply to witnesses examined under this section.

Certain findings not reversible on the ground of offence proved being theft.

239. No finding by a Court of the offence of dishonest misappropriation of property under section 403 of the Indian Penal Code,

or of dishonest misappropriation of property possessed, by a deceased person at the time of his death under section 404 of the said Code,

or of criminal breach of trust under section 405 of the said Code,

or of criminal breach of trust by a carrier, wharfinger or warehouse-keeper under section 407 of the said Code,

or of criminal breach of trust as a clerk or servant under section 408 of the said Code,

shall be reversed or altered by any Court, whether on appeal or revision, on the ground that the offence proved by the evidence was

the offence of theft under section 378 of the said Code,

or the offence of theft in a building, tent, or vessel under section 380 of the said Code,

or the offence of theft as a clerk or servant of property in the possession of his master under section 381 of the said Code.

Finding of theft not reversible on the ground of offence proved being dishonest misappropriation.

240. No finding by a Court of the offence of theft under the said section 378 of the Indian Penal Code,

or of theft in a building, tent, or vessel, under the said section 380,

or of theft as a clerk or servant of property in the possession of his master under the said section 381,

shall be liable to be reversed or altered by any Court, whether on appeal or revision, on the ground that the offence proved by the evidence was one of the following:—

dishonest misappropriation of property under the said section 403,

dishonest misappropriation of property possessed by a deceased person at the time of his death under the said section 404,

such dishonest misappropriation under the said section, the offender being at the time of the person's decease employed by him as a clerk or servant,

criminal breach of trust under the said section 405,

criminal breach of trust as a carrier, wharfinger or warehouse-keeper under the said section 407,

criminal breach of trust as a clerk or servant under the said section 408:

Saving of power of Appellate Court to reduce punishment.

241. Provided that nothing in sections 239 and 240 shall preclude the Appellate Court, in any case mentioned therein, from reducing the punishment awarded by a lower Court in such case within the limits prescribed for the offence which the Appellate Court considers to have been proved by the evidence against the accused person.

Finding or sentence when reversible by reason of error or defect in charge or proceedings.

242. No finding or sentence passed by a Court of competent jurisdiction shall be reversed or altered on appeal or revision on account of any error or defect, either in the charge or in the proceedings on trial, unless the accused person has been sentenced to a larger amount of punishment than could be awarded for the offence of which, in the judgment of the Appellate Court, he ought upon the evidence to have been found guilty,

or unless, in the judgment of the Appellate Court, he has been prejudiced by such error or defect.

Appellate Court may reduce punishment.

In case the accused person has been sentenced to a larger amount of punishment than could have been awarded for the offence which, in the judgment of the Appellate Court, is proved by the evidence, the Appellate Court may reduce the punishment within the limits prescribed by the Indian Penal Code or any law for the time being in force for such offence.

Procedure in case of conviction by Court not having jurisdiction.

243. When any Court has convicted a person of an offence not triable by such Court, the Appellate Court may annul the conviction and sentence of such Court, and direct the trial of the case by a Court of competent jurisdiction.

Finality of orders on appeal.

244. Except as provided in section 260, sentences and orders passed by an Appellate Court upon appeal shall be final.

Unless otherwise provided, no appeal to lie from order or sentence of Criminal Court.

245. Unless otherwise provided by this Act or by any other law for the time being in force, no appeal shall lie from any order or sentence of a Criminal Court.

CHAPTER II.—*Reference.*

Sentence of death.

246. If the Court of Session pass sentence of death, the sentence shall not be executed without the confirmation of the High Court.

If the accused person is convicted of an offence which by the Indian Penal Code is punishable with death, and the Court sentences him to any punishment other than death, the Court shall, in the statement of trials to be periodically submitted to the High Court as hereinafter required, under the head of "Sentences passed upon the accused persons," state the grounds upon which it remitted the punishment of death.

Constitution of Court for hearing case referred for confirmation of sentence.

247. A case referred to a High Court by a Court of Session for confirmation of a sentence of death shall be heard by a Court constituted by two or more Judges of such High Court.

Power of High Court to confirm sentence or annul conviction.

248. In any case so referred, the High Court may either confirm the sentence or pass any other sentence warranted by law, or may annul the conviction and order a new trial on the same or an amended charge.

If the case has been tried by the Court of Session with the aid of assessors, it shall further be competent to the High Court to acquit the accused person and order his discharge.

Power to acquit.

249. If the case so referred has been tried by the Court of Session with the aid of assessors, the High Court, if it think further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the accused person to be necessary, may direct such enquiry to be made, or such additional evidence to be taken.

Power to direct further enquiry, &c.

The result of the further enquiry and the additional evidence shall be certified to the High Court, and the High Court shall thereupon proceed to pass judgment of acquittal, or such sentence as it thinks fit.

250. In every case so referred to the High Court, the confirmation of the sentence, or any new sentence or order passed by the High Court, shall be signed by at least two Judges of the Court.

Confirmation or new sentence to be signed by two Judges.

251. When the High Court of reference, revision or appeal, in any part of the territories to which this Code has been extended as aforesaid, consists of a single Judge, he shall have all the powers conferred upon two or more Judges of the High Court by this chapter.

When High Court consists of one Judge.

CHAPTER III.—*Revision.*

252. The High Court may make and issue general rules for regulating the practice and proceedings of that Court and of all Criminal Courts subordinate to it,

Power to High Court to make rules, &c.

for keeping all books, entries and accounts to be kept in such Courts, and

for the preparation and transmission of any calendars or statements to be prepared and submitted by such Courts,

and may also frame forms (when not prescribed by this Act) for every proceeding in the said Courts for which it thinks that a form should be provided,

and from time to time may alter any such rule or form:

Provided that such rules and forms be not inconsistent with the provisions of this Act, or of any other law in force.

Any rules framed by the Court under this section shall be published in the official Gazette.

253. The High Court may frame rules consistent with this Act for the conduct of business transacted by any two or more Magistrates sitting together, and may from time to time repeal, alter and add to such rules.

High Court may frame rules.

All such rules, and all repeals and alterations thereof, and additions thereto, shall be published in the local Gazette.

254. The Court of Session shall send to the High Court such periodical statements or calendars of trials held by such Court as the High Court prescribes, exhibiting the offences charged, the offences of which the accused persons are convicted, and the sentences or orders passed upon them.

Calendars of trials by Court of Session.

255. A Court of Session and a Magistrate may at all times call for and examine the record of any Court immediately subordinate to such Court or Magistrate, for the purpose of satisfying itself or himself as to the legality of any sentence or order passed, and as to the regularity of the proceedings of such subordinate Court.

Powers of Court of Session and Magistrate to call for record of subordinate Courts.

If the Court of Session or Magistrate is of opinion that the sentence or order is contrary to law, the Court or Magistrate shall refer the proceedings for the orders of the High Court.

Reference to High Court.

No Court other than the High Court shall alter any sentence or order of any subordinate Court except upon appeal by parties concerned, duly made according to the provisions of Part IV, chapter I of this Act.

256. In the case of offences specified in the seventh column of the second schedule hereto annexed, as triable by the Court of Session only or by the Court of Session or Magistrate of the District, the Court of Session may order the commitment of any accused person who may have been discharged by any Magistrate.

Commitment of person discharged by Magistrate.

In the case of such offences, the Court of Session may order an enquiry into any complaint which any Magistrate may have dismissed without enquiry.

In the case of such offences the Magistrate of the District shall have like powers where the Magistrate who has discharged the accused person or dismissed the complaint without enquiry is a Subordinate Magistrate.

If the Court of Session considers that any person convicted by a Magistrate has committed an offence not triable by such Magistrate, it may annul the conviction and sentence, and direct the commitment of the accused person for trial before itself.

257. The High Court, in any case tried by the Court of Session in which upon a review of the abstract statement or calendar of prisoners punished without reference, it appears that the sentence passed is one which cannot lawfully be passed on a person convicted of the offence as stated in the abstract statement or calendar, shall annul the sentence, and shall certify to the Court of Session the sentence which may lawfully be passed for such offence;

Annulment of illegal sentence.

Thereupon the Court of Session shall pass a new sentence according to law, and shall amend the record in accordance therewith.

258. The High Court, in any case tried before a Court of Session in which, upon a review of the abstract statement or calendar of prisoners punished without reference, it appears that there has been error in the decision of the Court of Session on a point of law, or that a point of law should be considered by the High Court, may call for the record, or such portion thereof as it deems necessary, together with a report of the Judge's direction to the jury, if the case have been tried by a jury,

Revision of trials.

and, upon reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, may determine any point of law arising out of the case, and thereupon pass such order as to the High Court seems right.

259. The High Court may, on the report of a Court of Session or of a Magistrate, or whenever it thinks fit, call for the record of any criminal trial or the record of any judicial proceeding of a Criminal Court, other than a criminal trial, in any Court within its jurisdiction, in which it appears to it that there has been error in the decision on a point of law, or that a point of law should be considered by the High Court, and may determine any point of law arising out of the case, and thereupon pass such order as to the High Court seems right.

General power of revision.

260. The High Court may call for and examine the record of any case tried by any Court of Session for the purpose of satisfying itself as to the legality or propriety of any sentence or order passed, and as to the regularity of the proceedings of such Court.

Power to call for records of Court of Session.

If it appear to the High Court that the sentence passed is too severe, the High Court may pass any mitigated sentence warranted by law.

Mitigation of sentence.

If the High Court is of opinion that the sentence or order is contrary to law, it shall reverse the sentence or order, and pass such judgment, sentence, or order as to the Court seems right, or, if it deems necessary, may order a new trial.

Reversal of sentence.

261. Whenever a case is revised by the High Court under this chapter, it shall certify its decision or order to the Court in which the conviction was had or by which the order was passed; or if the conviction or order was passed by a Magistrate other than the Magistrate of the District, to the Magistrate of the District.

Order on revision to be certified to lower Court or District Magistrate.

The Court or Magistrate to which the High Court certifies its order shall thereupon make such orders as are conformable to the decision of the High Court, and, if necessary, the record shall be amended in accordance therewith:

Provided that, in any case revised by the High Court under this chapter, the High Court shall not reverse the verdict of the jury, or, except as provided in this chapter, alter or reverse the sentence or order of the Court below.

Proviso.

262. No trial held in any Criminal Court shall be set aside, and no judgment passed by any Criminal Court shall be reversed, either on appeal or otherwise, for any irregularity in the proceedings of the trial, unless such irregularity have occasioned a failure of justice.

When trials may be set aside for irregularity.

PART V.

EXECUTION.

263. In cases referred by the Court of Session for the confirmation of a sentence by the High Court, the proper officer of the High Court shall without delay, after the order of confirmation or other order has been made by the High Court, send a copy of the order under the seal of the High Court, and attested with his official signature, to the Court of Session.

Procedure in cases referred to High Court for confirmation.

Such Court shall, if the sentence be confirmed immediately, issue a warrant to the officer in charge of the jail in which the prisoner is confined, to cause the sentence or order to be carried into execution; or, in the case of any other order, shall cause such order to be carried into effect.

264. In cases tried by the Court of Session, the Court shall forward a copy of its finding and sentence to the Magistrate of the District in which the trial was held.

Court of Session to send copy of finding and sentence to District Magistrate.

If the accused person is sentenced to imprisonment, the Court shall forthwith forward him, with a warrant for the execution of the sentence, to the officer in charge of the jail of the District in which the trial was held.

Warrant of execution.

The warrant shall state the offence of which the accused person has been convicted and the period during which he is to be imprisoned and the nature of the imprisonment.

In cases tried by any Court inferior to a Court of Session, the Court passing the sentence shall forthwith forward the accused person, with a similar warrant for the execution of the sentence, to the officer in charge of the jail of the District in which the trial was held.

Procedure after sentence passed by Court inferior to Session Court.

265. Upon the receipt of a warrant under section 263 or 264, the officer in charge of the jail shall cause the sentence to be executed, and shall return the warrant, when the sentence has been fully executed, to the Court from which it issued, with an endorsement under his signature, certifying the manner in which the sentence has been executed.

Execution of sentence under section 263 or 264.

266. If a prisoner sentenced to punishment is seized with illness or is liable to personal infirmity, such that the execution of the sentence would produce corporal evil of a sort not intended, or is pregnant, the officer whose duty it is to execute the sentence may delay its execution until such illness or infirmity or pregnancy has ceased:

Illness of prisoner.

Provided that, if the illness or infirmity appear to be permanent, he shall report the case to the High Court, and such Court may recall the warrant and issue another containing a sentence of such commuted punishment as it thinks fit.

267. Whenever an offender is sentenced to pay a fine, the Court which sentences him may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender, whether or not the offence be punishable with fine only, and whether or not the sentence direct that, in default of payment of the fine, the offender shall suffer imprisonment.

Levy of fine.

Such warrant may be executed within the jurisdiction of the Court that issued it, and it shall authorize the distress and sale of any moveable property belonging to the offender without the jurisdiction of the said Court when endorsed by the Magistrate of the District in which such property is situated.

268. Whenever a Criminal Court imposes a fine, the Court may order the whole or any part of the fine to be paid in compensation,

Payment of fine in compensation.

(1.) for expenses properly incurred in the prosecution,

(2.) for the offence complained of, where such offence can, in the opinion of the Court, be compensated by money.

Such payment shall be made, as the Court thinks fit, to or for the benefit of the complainant, or the person injured, or both.

If the fine be awarded by a Court whose decision is subject to revision, the amount awarded shall not be paid until a period of two months has elapsed from the date of the award.

269. In every case punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment, the Criminal Courts shall be guided by the provisions of sections 64 and 65 of the Indian Penal Code in awarding the period of imprisonment in default of payment of the fine :

Imprisonment in default of payment of fine.

Provided that, in no such case decided by a Magistrate, shall the period of imprisonment awarded in default of payment of the fine exceed one-fourth of the period of imprisonment which he is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

Proviso as to cases decided by a Magistrate.

270. When the punishment of whipping is awarded in addition to imprisonment, by a Court whose sentence is open to revision by a superior Court, the whipping shall not be inflicted until fifteen days from the date of such sentence, or if an appeal be made within that time, until the sentence is confirmed by the superior Court: but the whipping shall be inflicted immediately on the expiry of the fifteen days, or in case of an appeal immediately on the receipt of the order of the Court confirming the sentence if such order is not received within the fifteen days.

Whipping if awarded in addition to imprisonment, when to be inflicted.

271. In the case of an adult, the punishment of whipping shall be inflicted with such instrument in such mode and on such part of the person as the Local Government directs, and in the case of a juvenile offender, it shall be inflicted in the way of school discipline with a light rattan.

Mode of inflicting the punishment.

In no case, if the cat-of-nine-tails be the instrument employed, shall the punishment of whipping exceed one hundred and fifty lashes, or, if the rattan be employed, shall the punishment exceed thirty stripes.

The punishment shall be inflicted in the presence of a Justice of the Peace, or of an officer authorized to exercise any of the powers of a Magistrate, and also, unless the Court which passed the sentence otherwise orders, in the presence of a Medical Officer.

272. No sentence of whipping shall be carried into execution unless a Medical Officer, if present, certifies, or unless it appears to the Justice of the Peace or other officer present, that the offender is in a fit state of health to undergo the punishment.

Punishment not to be inflicted if offender not in fit state of health.

If during the execution of a sentence of whipping, a Medical Officer certifies, or it appears to the officer present, that the offender is not in a fit state of health to undergo the remainder of the punishment, execution shall be finally stopped.

Stay of execution.

No sentence of whipping shall be executed by instalments.

Nor by instalments.

273. In any case in which, under section 272, no part of a sentence of whipping is carried into execution, the offender shall be kept in custody till the Court which passed the sentence can revise it, and the said Court may, at its discretion, either order his discharge, or sentence him in lieu of whipping to imprisonment for any period, which may be in addition to any other punishment to which he may have been sentenced for the same offence;

Procedure if punishment cannot be inflicted under the last Section.

provided that the whole period of imprisonment shall not exceed that to which the offender is liable under the provisions of the Indian Penal Code, or that which the said Court is competent to award.

274. When a person is convicted at one time of two or more offences punishable under the same or different sections of the Indian Penal Code, the Court may sentence him for the offences of which he has been convicted to the several penalties prescribed by the said Code which such Court is competent to inflict; such penalties, when consisting of imprisonment, to commence the one after the expiration of the other.

Sentence in cases of simultaneous conviction of several offences.

It shall not be necessary for the Court, by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court;

Provided that in no case shall the person be sentenced to imprisonment for a longer period than fourteen years:

Maximum term of imprisonment.

Provided also that, if the case be tried by a Magistrate, the punishment shall not in the aggregate exceed twice the extent of punishment which he is by his ordinary jurisdiction competent to inflict.

275. When sentence is passed on an escaped convict for such escape or for any other offence, the Court may direct the sentence to take effect immediately, or after such convict has suffered imprisonment or transportation, as the case may be, for a further period equal to that which remained unexpired of his former sentence at the time of his escape.

Currency of sentence on escaped convicts.

276. When sentence is passed on a person already under sentence of imprisonment or transportation for another offence, the Court, if the sentence be for imprisonment, shall direct the such imprisonment shall commence at the expiration of the imprisonment or transportation to which such person has been previously sentenced,

Sentence on offender already sentenced for another offence.

or, if he is undergoing a sentence of imprisonment, and the sentence, on such subsequent conviction, be for transportation, the Court may direct that the sentence shall commence immediately, or at the expiration of the imprisonment to which such person has been previously sentenced :

Provided that nothing in this section shall be held to excuse such person from any part of the punishment to which he is liable upon such former or subsequent conviction.

Proviso.

277. When any person is sentenced to imprisonment, the Local Government, or, subject to their orders and under their control, the Inspector General of Jails, may order his removal during the period prescribed for his imprisonment from the jail or place in which he is confined to any other jail or place of imprisonment within the jurisdiction of the same Local Government.

Local Government may order removal of a prisoner from one jail to another.

278. When any person under the age of sixteen years is sentenced by any Magistrate or Court of Session to imprisonment for any offence, such Magistrate or Court may direct that such offender, instead of being imprisoned in the criminal jail, shall be confined in any reformatory recognised by the Local Government as a fit place for confinement, in which there are means of suitable discipline and of training in some branch of useful industry, and which is kept by a person willing to obey such rules as the Government prescribes with regard to the discipline and training of persons confined therein.

Confinement of youthful offenders in reformatories.

All persons confined under this section shall be subject to the rules so prescribed by Government.

279. The Governor General of India in Council may from time to time appoint a place or places within British India to which persons sentenced to transportation shall be sent: the Local Government, or some officer duly authorized by such Government, shall give orders for the removal of such persons to the place or places so appointed; and no sentence of transportation shall specify the place to which the person sentenced is to be transported.

Governor General in Council to appoint places to which persons sentenced may be sent.

Local Government to direct removal of persons sentenced to such places.

280. When sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed for another offence, it shall not be necessary for the Local Government to order his removal from the place in which he is so undergoing transportation.

Sentence of transportation on persons already transported under previous sentence.

281. When any person is sentenced to death, the sentence shall direct that he be hanged by the neck till he is dead.

Sentence of death.

282. When any person has been sentenced to punishment for an offence, the Governor General of India in Council, or the Local Government, may, at any time, without conditions, or upon any conditions which the person sentenced accepts, remit the whole or any part of the punishment to which he has been sentenced.

Power to remit punishment.

The Governor General in Council, or the Local Government, may also, without the consent of the person sentenced, commute any one of the following sentences for any other mentioned after it, death, transportation, penal servitude, imprisonment.

Power to commute punishment.

PART VI.

EVIDENCE.

CHAPTER I.—*General Rules of Evidence.*

283. The rules contained in this chapter shall be applicable to all trials and enquiries before Criminal Courts.

Rules of evidence.

284. The Court shall receive as *primâ facie* evidence the examination of a Civil Surgeon or other medical witness taken and duly attested by the Magistrate.

Evidence of medical witness.

Provided that the Court may summon such Civil Surgeon or other medical witness, if it see sufficient cause for doing so.

285. The examination of a witness taken and attested by the Magistrate in the presence of the accused person may be given in evidence, if the witness be dead, or the Court be satisfied that for any sufficient cause his attendance cannot be procured.

Examination of witness taken by Magistrate, when admissible.

286. Any document purporting to be a report from the Chemical Examiner to Government upon any matter or thing duly submitted to him for examination or analysis and report in the course of any criminal trial or in any preliminary enquiry relating thereto, shall, if it bears his signature, be received in evidence at a trial by the Court of Session.

Report of Chemical Examiner.

No proof of such signature or that the person signing holds such office, shall be requisite, unless the Court sees reason to doubt the genuineness of the document.

287. The declaration of a deceased person, whether it be reduced to writing or not, and whether it be made in the presence of the accused person or not, may be given in evidence if the deceased person at the time of making such declaration believed himself to be in danger of approaching death, although he entertained at the time of making it hopes of recovery.

Dying declaration.

CHAPTER II.—*Evidence how taken.*

288. In all Criminal Courts, complainants and witnesses shall be examined upon oath or affirmation, or otherwise according to the provisions of the law for the time being in force in relation to the examination of witnesses.

Examination of complainants and witnesses.

289. In inquiries and trials under this Act the evidence of the witnesses shall be recorded by the Magistrate or Judge, as the case may be, in the following manner.

Manner of recording evidence.

290. In cases tried before Magistrates in which a summons usually issues, the Magistrate shall make a memorandum of the substance of the evidence of each witness, as the examination of the witness proceeds.

Memorandum of substance of evidence.

The memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record.

If the Magistrate is prevented from making a memorandum as above required, he shall record the reason of his inability to do so, and shall cause such memorandum to be made in writing from his dictation in open Court, and shall sign the same, and such memorandum shall form part of the record.

291. In all other cases whether before Magistrates or Courts of Session, the evidence of each witness shall be taken down in writing in the language in ordinary use in the District in which the Court is held, by or in the presence and hearing and under the personal direction and superintendence of the Magistrate, and shall be signed by the Magistrate.

Mode and language in which evidence to be recorded.

When the evidence of a witness is given in English, the Magistrate may take it down in that language with his own hand, and an authenticated translation of the same, in the language in ordinary use in the District in which the Court is held, shall form part of the record.

Evidence in English.

In cases in which the evidence is not taken down in writing by the Magistrate, he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes, and such memorandum shall be written and signed by the Magistrate with his own hand, and shall be annexed to the record.

Memorandum when evidence not taken down in writing.

If the Magistrate is prevented from making a memorandum as above required, he shall record the reason of his inability to do so.

292. The Local Government may direct that in any District or part of a District the evidence of complainants or witnesses shall be taken down by the Magistrate with his own hand in the vernacular language of the Magistrate, unless the Magistrate be prevented by any sufficient reason from taking down the evidence of any complainant or witness, in which case he shall record the reason of his inability to do so, and shall cause the evidence to be taken down in writing from his dictation in open Court.

Local Government may direct evidence to be recorded in vernacular language of Magistrate.

The evidence so taken down shall be signed by the Magistrate, and shall form part of the record:

Provided that, if the vernacular language of the Magistrate be not English or the language in ordinary use in the District in which the Court is held, the Local Government may direct him to take down the evidence in the English language or in the language in ordinary use in the District in which the Court is held, instead of his own vernacular.

Proviso.

293. In cases tried before Magistrates in which a summons usually issues, the Magistrate may, if he thinks fit, take down the evidence of any witness in the manner provided in section 291, or if within the jurisdiction of such Magistrate, the Local Government has made the order referred to in section 292, in the manner provided in section 292.

Taking down evidence in cases tried upon summons.

294. The Local Government may determine what, for the purposes of this Act, shall be held to be the language in ordinary use in any District in which a Court is held.

Local Government to decide language in ordinary use.

295. The evidence shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative.

Evidence how to be recorded.

It shall be in the discretion of the Magistrate to take down, or cause to be taken down, any particular question and answer, if there appear any special reason for so doing, or any person who is a prosecutor or a person accused, or his Counsel or agent, requires it.

When the evidence is completed, it shall be read over to the witness in the presence of the accused person if in attendance, or of his agent when his personal attendance is dispensed with and he appears by agent, and shall, if necessary, be corrected.

Evidence to be read to witness.

If the witness deny the correctness of any part of the evidence when the same is read over to him, the Magistrate may, instead of correcting the evidence, make a memorandum thereon of the objection made to it by the witness, and shall add such remarks as he thinks necessary.

If the evidence be taken down in a different language from that in which it has been given, and the witness does not understand the language in which it is taken down, the witness may require his evidence as taken down to be interpreted to him in the language in which it was given, or in a language which he understands.

296. A memorandum to be signed by the Magistrate shall be attached to the evidence of every witness, whether for the prosecution or the defence, and shall state that the evidence was read over to the witness in a language which he understood (naming the language), and, if the fact is so, that the witness acknowledged such evidence to be correct.

Memorandum to be attached to evidence.

When the evidence is not taken down by the Magistrate with his own hand, the memorandum shall further state that the evidence was taken down in his presence and hearing, and under his personal direction and superintendence.

297. If the evidence is given in a language not understood by the accused person, it shall be interpreted to him in open Court in a language understood by him, in all cases where he is present in person.

Interpretation of evidence to accused or his agent.

If he appears by agent, and the evidence is given in a language other than the language in ordinary use in the District in which the Court is held, it shall be interpreted to such agent in that language.

298. Every Judge or Magistrate recording the evidence of a witness shall record such remarks as he thinks material respecting the demeanour of such witness whilst under examination.

Remarks respecting demeanour of witness.

299. Sections 296, 297 and 298 shall not apply to evidence taken by a Magistrate in cases in which a summons usually issues, unless he thinks fit to act under section 293.

Sections 296, 297 and 298 not to apply in certain cases.

CHAPTER III.—*Of the Examination of Persons accused.*

300. In inquiries and trials before Magistrates, the Magistrate may, from time to time and at any stage of the proceedings,

Accused may be questioned.

and in trials before the Court of Session, the Court at the close of the case for the prosecution and at the close of the evidence (if any) on behalf of the accused person,

may put any questions to the accused person which the Magistrate or Court may think proper.

It shall be in the option of the accused person to answer such questions.

301. No influence, by means of any promise or threat or otherwise, shall be used to the accused person to induce him to disclose or withhold any matter within his knowledge.

No influence to be used to induce disclosures.

302. No oath or affirmation shall be administered to the accused person.

Accused not to be sworn.

303. In inquiries and trials before Magistrates, the examination of the accused person, including every question put to him and every answer given by him, shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers.

Examination of accused how recorded.

When the whole is made conformable to what he declares is the truth, the examination shall be attested by the signature of the Magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the statement made by the accused person.

304. The Magistrate of the District or other officer exercising the powers of a Magistrate, and any Subordinate Magistrate duly empowered under section 33, recording his reason for so doing, may tender a pardon to any one or more of the persons supposed to have been directly or indirectly concerned in or privy to any offence specified in column seven of the second schedule hereto annexed as triable by the Court of Session, on condition of his or their making a full, true and fair disclosure of the whole of the circumstances within his or their knowledge relative to the crime committed, and every other person concerned in the perpetration thereof.

Magistrate may tender pardon to accomplice.

Any person accepting a tender of pardon under this section, shall be examined as a witness in the case under the rules applicable to the examination of witnesses.

Such person, if not on bail, may, if the Magistrate or other officer as aforesaid thinks proper, be detained in custody pending the termination of the trial.

305. The High Court as a Court of reference, in cases tried with the aid of assessors, and the Court of Session, after committal but before the commencement of a trial, may, with the view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in or privy to any such offence, instruct the Magistrate to tender a pardon on the same condition to such person or persons.

High Court or Court of Session may direct tender of pardon.

The Court of Session in like manner and on the same condition may, at any time during a trial, with the view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in or privy to any such offence, tender a pardon to such person or persons.

306. When a pardon has been tendered under section 304 or section 305, if it appears to the Magistrate before the committal, or to the Court of Session at the time of trial, or to the High Court as a Court of reference, that any person who has accepted an offer of pardon has not conformed to the conditions under which the pardon was tendered, either by wilfully concealing anything essential, or by giving false evidence or information, such Magistrate or Court may commit or direct the commitment of such person for trial for the offence in respect of which the pardon was so tendered.

When High Court or Court of Session may direct commitment of person to whom pardon has been tendered.

CHAPTER IV.—*Of securing the Attendance of Witnesses.*

307. The following procedure shall be pursued in order to obtain the attendance of witnesses in cases in which a person accused or suspected of crime is brought or appears before a Magistrate.

Procedure for obtaining attendance of witnesses.

308. In cases usually tried before a Magistrate upon summons, the Magistrate may summon any person who appears to him likely to give material evidence on behalf of the complainant or the accused.

In cases tried upon summons.

309. In cases usually tried before a Magistrate upon warrant, the Magistrate shall ascertain from the complainant or otherwise the names of any persons who may be acquainted with the facts and circumstances of the case, and are likely to give evidence for the prosecution, and summon them before him to give evidence.

In cases tried upon warrant.

The Magistrate shall also summon any witness and examine any evidence that may be offered in behalf of the accused person to answer or disprove the evidence against him, and may for that purpose, at his discretion, adjourn the trial from time to time.

310. In inquiries preliminary to commitment to a Court of Session, the Magistrate shall procure the attendance of witnesses for the prosecution as in cases usually tried upon

In inquiries preliminary to commitment to Court of Session.

warrant, and it shall be in his discretion to summon any witness offered in behalf of the accused person to answer or disprove the evidence against him.

311. In such inquiries, when the person accused is to be committed for trial and has given in the list of witnesses mentioned in section 309, the Magistrate shall summon the witnesses to appear before the Court before which the accused person is to be tried.

When accused person is to be committed.

312. If the Magistrate thinks that any witness is included in the list for the purpose of vexation or delay or of defeating the ends of justice, he may require the accused person to satisfy him that there are reasonable grounds for believing that such witness is material.

Refusal to summon unnecessary witness, unless deposit made.

If the Magistrate be not so satisfied, he shall not be bound to summon the witness, unless such a sum is deposited with the Magistrate as he thinks necessary to defray the expense of obtaining the attendance of the witness.

313. The accused person shall be allowed to examine any witness not previously named by him if such witness be in attendance, but he shall not be entitled of right to have any witness summoned other than the witnesses named in the list delivered to the Magistrate by whom he was committed or held to bail for trial, except as provided in section 402.

Witness for defence.

314. Any Court or Magistrate may at any stage of any inquiry or trial summon or examine any witness whose evidence appears essential to the just decision of the case, or examine any person in attendance though not summoned as a witness.

Power to summon material witness or examine person present.

315. If the Magistrate has reason to believe that any witness whose attendance is required will not attend to give evidence without being compelled to do so, he may, instead of issuing a summons, issue his warrant of arrest in the first instance.

Issue of warrant of arrest in first instance.

316. If the warrant cannot be served, and the Magistrate is satisfied that the witness absconds or conceals himself for the purpose of avoiding the service thereof, he may issue a proclamation, requiring the attendance of such witness to give evidence at a time and place to be named therein, to be affixed on some conspicuous part of his ordinary place of abode.

Procedure when warrant cannot be served.

If the witness does not attend at the time and place named in such proclamation, the Magistrate may order the attachment of any moveable property belonging to such witness to such amount as he deems reasonable, not being in excess of the amount of costs of attachment and of any fine to which the witness may be liable under the provisions of the following section.

Such order shall not authorize the attachment of any property out of the jurisdiction of the Magistrate by whom it is made, but it shall authorize the attachment of property in the jurisdiction of any Magistrate by whom such order is endorsed.

317. If the witness appears and satisfies the Magistrate that he did not abscond or conceal himself for the purpose of avoiding the service of the warrant, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Magistrate shall direct that the property be released from attachment, and shall make such order in regard to the costs of the attachment as he thinks fit.

Release of attached property of witness appearing and satisfying Magistrate.

If such witness does not appear, or appearing, fails to satisfy the Magistrate that he did not abscond or conceal himself for the purpose of avoiding the service of the warrant, and that he had not such notice of the proclamation as aforesaid, the Magistrate may order the property attached, or any part thereof, to be sold for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of any fine which he may impose upon such witness under the provisions of section 172 of the Indian Penal Code.

Sale of property of witness not appearing or satisfying Magistrate.

If the witness pays to the Magistrate the costs and fine as aforesaid, the Magistrate shall order the property to be released from attachment.

318. If any person summoned to give evidence neglects or refuses to appear at the time and place appointed by the summons, and no valid excuse is offered for such neglect or refusal, the Magistrate, upon proof of the summons having been duly served, may issue a warrant under his hand and seal, to bring such person before him to testify as aforesaid.

Arrest of person disobeying summons.

319. If any person summoned or brought before a Magistrate refuses to answer such questions as are put to him, without offering any valid excuse for such refusal, the Magistrate may, by warrant under his hand and seal, commit him to custody for any term not exceeding seven days, unless in the meantime he consents to be examined and to answer, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of section 387.

Committal of person refusing to answer.

320. If any witness before a Court of Session refuses to answer any question which shall be put to him, and does not offer any just excuse for such refusal, the Court may commit him to custody for such reasonable time as it deems proper, unless in the meantime he consents to be examined and to answer.

Committal of witness refusing to answer.

In the event of his persisting in his refusal, he may be dealt with according to the provisions of section 387.

321. Prosecutors and witnesses for the prosecution, whose attendance may be necessary before the Court of Session, shall execute before the Magistrate recognizances in the Form (E) given in the appendix, or to the like effect, to be in attendance when called upon at the Court of Session, to prosecute or to give evidence, as the case may be.

Recognizances of prosecutors and witnesses.

If any prosecutor or witness refuses to attend before the Court of Session or to execute

the recognizance above directed, the Magistrate may detain him in custody, until he executes such recognizance, or until the time when his attendance at the Court of Session is required, when the Magistrate shall send him under custody to the Court of Session.

CHAPTER V.—*Of Search-Warrants.*

322. When a Magistrate considers that the production of anything is essential to the conduct of an enquiry into an offence known or suspected to have been committed, or when he considers that such enquiry will be furthered by the search or inspection of any house or place, he may grant his search-warrant, and the officer charged with the execution of such warrant may search any house or place within such Magistrate's jurisdiction.

Search-warrant when grantable.

The Magistrate may, if he see fit, specify in his warrant the house or place, or part thereof, to which only the search or inspection shall extend, and the officer charged with the execution of such warrant shall then search only the house, place or part so specified.

323. A search-warrant shall ordinarily be directed to a Police officer, but the Magistrate issuing the warrant may, if he see fit, direct it to any other person.

Direction of search-warrant.

324. A search-warrant directed to an officer in charge of a Police-station may, if he is not able to proceed in person, be executed by any officer subordinate to him.

Warrant to Police officer may be executed by his subordinate.

In such case the name of such subordinate officer shall be endorsed upon the warrant by the officer to whom it is directed.

Endorsement.

325. When it is necessary for a search-warrant to be executed out of the jurisdiction of the Magistrate issuing the warrant, the Magistrate within whose jurisdiction the warrant is to be executed shall endorse his name thereon.

Execution of search-warrant out of jurisdiction of Magistrate issuing it.

Such endorsement shall be sufficient authority for the Police officer charged with the execution of the warrant to execute the same within the same jurisdiction.

Or the search-warrant may be directed to the Magistrate within whose jurisdiction the search is to be made, and he shall thereupon endorse his name on such warrant and enforce its execution in the same manner as if it had been issued by himself.

326. Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate in whose District the warrant is to be executed will prevent the discovery of the thing for which search is to be made, the Police officer charged with the execution of the warrant may execute the same in any place beyond the jurisdiction of the Magistrate by whom it was issued without the endorsement of the Magistrate in whose jurisdiction that place is situate.

Search-warrants may in emergency be executed without endorsement.

If the thing for which search is made is found in such place, it shall be immediately taken before the Magistrate in whose jurisdiction it is found, and, unless there be good cause to the contrary, he shall make an order authorizing it to be taken to the Magistrate who issued the warrant.

Thing found to be taken to Magistrate within whose jurisdiction it is found.

Order thereon.

327. If the thing searched for be found within the local limits of a High Court, it shall be taken to the Chief Commissioner of Police or to a Police Magistrate, who shall act in the manner prescribed in section 326.

Procedure in such cases within local limits of High Court.

328. Whenever it appears necessary, a Magistrate may, by the warrant, order search to be made in a place out of his jurisdiction, and may direct that the warrant be executed either after or without obtaining the endorsement of the Magistrate within whose jurisdiction the search is to be made.

Magistrate may issue search-warrant to be executed in jurisdiction of another Magistrate.

When a Magistrate issues a warrant under this section, he shall inform the Magistrate within whose jurisdiction the house or place to be searched is situate, or if the house or place be situate within the local limits of any High Court, he shall inform the Chief Commissioner of Police, of the issue of such warrant.

329. A Magistrate issuing a search-warrant to be executed in any house or place out of the jurisdiction of the Magistrate of the District, may direct the warrant to any Magistrate within whose jurisdiction such house or place is situate, and may send the same by post.

Magistrate may send search-warrant by post to Magistrate of another District.

On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name thereon and enforce its execution in the same manner as if it had been originally issued by himself.

Endorsement and execution by such Magistrate.

If the warrant is to be executed within the local limits of the High Court, it shall be addressed to the Commissioner of Police or to a Police Magistrate.

Direction of warrant to be executed in local limits of High Court.

In such case any property found on search made may be dealt with as provided in sections 326 and 327.

330. If the Magistrate of the District or a Magistrate in charge of a division of a District, or any other officer exercising the powers of a Magistrate, upon information and after such enquiry as he thinks necessary, has reason to believe that any house or other place is used as a place for the deposit or sale of stolen property,

Search of house suspected to contain stolen property or forged documents.

or for the deposit or sale or manufacture of forged documents, or counterfeit Government stamps, or counterfeit coin, or instruments or materials for counterfeiting coin or for forging,

or that any forged documents, or counterfeit stamps, or false seals, or any counterfeit coin, or instruments or materials used for counterfeiting

coin, or for forging, are kept or deposited in any house or other place,

he may by his warrant authorize any Police officer above the rank of a constable to enter, with such assistance as may be required, and by force if necessary, any such house or other place, and to search all such parts of the same as are specified in the warrant, and to seize and take possession of any property, documents, stamps, seals, or coins therein found, which he may reasonably suspect to be stolen, forged, false, or counterfeit, and also of any such instruments and materials as aforesaid.

331. The Magistrate by whom a search-warrant is issued may attend personally for the purpose of seeing that the warrant is duly executed.

Magistrate may attend personally.

The Magistrate may also direct a search to be made in his presence, of any house or place for the search of which he is competent to issue a search-warrant.

Magistrate may direct search in his presence.

332. Whenever an officer in charge of a Police-station considers that the production of anything is necessary to the conduct of an enquiry into any offence which he is authorized to investigate, he may search or cause search to be made for the same, in any house or place within the limits of such station.

Search by officer in charge of Police-station.

In such case, the officer in charge of the Police-station shall, if practicable, conduct the search in person.

If unable to conduct the search in person, and there is no other person competent to make the search present at the time, the officer in charge of the Police-station may require any officer subordinate to him to make the search, and he shall deliver to such officer an order in writing, specifying the property for which search is to be made and the house or place to be searched, and the subordinate officer may thereupon search for such property in such house or place.

The provisions of sections 335 to 338 (both inclusive), relating to search-warrants, shall be applicable to a search under this section made by or under the direction of an officer in charge of a Police-station.

333. An officer in charge of a Police-station may require an officer in charge of another Police-station, whether subordinate to the same Magistrate as himself or to a Magistrate of another District, to cause a search to be made in any house or place in any case in which the former officer might cause such search to be made within the limits of his own station.

When officer of Police-station may require another to issue search-warrant.

334. An officer in charge of a Police-station may, without a warrant, enter any shop or premises within the limits of such station for the purpose of inspecting or searching for any weights or measures or instruments for weighing used or kept therein, whenever he has reason to believe that there are in such shop or premises any weights, measures, or instruments for weighing which are false.

Inspection of weights and measures.

If he finds in such shop or premises any weights, measures, or instruments that are false, he may seize the same, and shall forthwith give information of such seizure to the Magistrate having jurisdiction.

335. If the house or place to be searched is closed, it shall be the duty of any person residing in or being in charge of such house or place, on demand of the officer or other person executing the warrant, to allow such officer or other person free ingress thereto, and to afford all reasonable facilities for a search therein.

Persons in charge of closed house to allow search.

336. A Police officer, or other person authorized by a warrant to search any house or place, may break open any outer or inner door or window of the house or place, in order to execute the warrant, if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance.

Place to be searched may be broken open.

337. If the place ordered to be searched is an apartment in the actual occupancy of a woman who, according to the customs of the country, does not appear in public, the officer or other person charged with the execution of the warrant shall give notice to such woman in such apartment, not being a woman against whom a warrant of arrest has been issued, that she is at liberty to withdraw.

Breaking of zenána.

After giving such notice and allowing a reasonable time for the woman to withdraw, and affording her every reasonable facility for withdrawing, he may enter such apartment for the purpose of completing the search, using at the same time every precaution consistent with these provisions for preventing the clandestine removal of property.

338. The search of any house or place under this chapter shall be made in the presence of two or more respectable inhabitants of the place in which the house or place searched is situate, but they shall not be required to attend the Court of the Magistrate as witnesses, unless specially summoned by him.

Search to be made in presence of witnesses.

The occupant of the house or place or some person in his behalf shall, in every instance, be permitted to attend during the search.

Occupant of place searched may attend.

339. Whenever it is necessary to cause a woman to be searched, the search shall be conducted with strict regard to the habits and customs of the country.

Mode of searching women.

PART VII.

PROCEDURE INCIDENTAL TO INQUIRY AND TRIAL.

CHAPTER I.—*Bail.*

340. When any person appears or is brought before a Magistrate accused of any of the offences specified as bailable in column five of the second schedule hereto annexed, he shall be admitted to bail.

When bail shall be taken.

341. When any person appears or is brought before a Magistrate accused of any offence entered as not bailable in column five of the second schedule hereto annexed, such person shall not be admitted to bail, if there appear reasonable grounds for believing that he has been guilty of the crime imputed to him.

Bail not to be taken for certain offences.

If the evidence given in support of the accusation is, in the opinion of the Magistrate, not such as to raise a strong presumption of the guilt of the accused person and to require his committal,

When bail may be taken.

or if such evidence is adduced on behalf of the accused person as, in the opinion of the Magistrate, weakens the presumption of his guilt, but there appears to the Magistrate in either of such cases to be sufficient ground for further enquiry into his guilt,

the accused person shall be admitted to bail pending such enquiry.

342. The Court of Session may direct that any accused person shall be admitted to bail, or that the bail required by a Magistrate be reduced.

Power to direct admission to bail.

343. When a Magistrate admits to bail any person accused or suspected of any offence, a recognizance in such sum of money as the Magistrate thinks sufficient, shall be entered into by the person so accused and one or more sureties, conditioned that such person shall attend during the preliminary enquiry, and, if required, shall appear when called upon at the Court of Session to answer the charge.

Recognizance of accused and sureties.

344. If through mistake or fraud insufficient bail has been taken, or if the sureties become afterwards insufficient, the accused person may be ordered by the Magistrate to find sufficient sureties, and, in default, may be committed to prison.

Insufficient bail.

345. If the accused person cannot find sureties when called upon, he shall be admitted to bail upon finding the same at any time afterwards before conviction.

Bail may be taken at any time before conviction.

346. After the recognizances have been duly entered into, the Magistrate, in case the accused person has appeared voluntarily or is in the custody of some officer, shall thereupon discharge him; and in case he is in some prison or other place of confinement, shall issue a warrant of discharge to the jailor or other person having him in his custody, and such jailor or other person shall thereupon liberate him.

Discharge on bail.

347. The sureties for an accused person may, at any time, apply to the Magistrate to be discharged from their engagements.

Discharge of sureties.

On such an application being made, the Magistrate shall issue his warrant of arrest, directing that such person be brought before him.

On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the recognizances of the sureties to be discharged, and shall call upon such person to find other sureties, and, in default, may order him to be committed to prison.

348. Whenever, by reason of default of appearance of the person executing the personal recognizance, the Magistrate is of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance, he shall proceed to enforce the penalty by the attachment and sale of the moveable property belonging to such person, which may be found within the jurisdiction of the Magistrate of the District.

Procedure to compel payment of penalty by accused.

349. Whenever, by reason of default of appearance by the person bailed, the Magistrate is of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance of the surety or sureties, he shall give notice to the surety or sureties to pay the same, or to show cause why it should not be paid.

Procedure to compel payment of penalty by sureties.

If no sufficient cause be shown, the Magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any moveable property belonging to him or them which may be found within the jurisdiction of the Magistrate of the District.

If the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the Magistrate, in the Civil jail, during a period not exceeding six months.

350. The powers given by sections 348 and 349 may be exercised by every Criminal Court in every case in which a personal recognizance or bail has been given for the appearance of a party or witness, if default is made by the non-appearance of such party or witness before such Court according to the conditions of such recognizance or bail:

In what cases the powers given by sections 284 and 285 may be exercised.

Provided that the Magistrate or Court may, at his or its discretion, remit any portion of the penalty mentioned in the personal recognizance or in the recognizance of the surety or sureties, and enforce payment in part only:

Remission of part of penalty.

All orders passed by any Magistrate under this section or section 348 or 349 shall be subject to revision by the Magistrate of the District.

Revision of orders.

351. When any person is required by any Criminal Court to give bail, such Court may permit such person to deposit a sum of money or Government promissory notes to such amount as it may fix in lieu of such bail.

Deposit may be made instead of bail.

CHAPTER II.—*Formation of Lists of Jurors and Assessors and their Attendance.*

352. The Collector of the District or such other officer as the Local Government from time to time appoints in this behalf, shall prepare and make out in alphabetical order a list of persons residing within ten miles from the place where trials before the Court of Session are held, or within such other distance as the Local Government thinks fit to direct who are in the judgment

List of jurors and assessors.

of the Collector or other officer as aforesaid qualified from their education and character to serve as jurors or as assessors, respectively.

The list shall contain the name, place of abode, and quality or business of every such person; and if the person is a European or an American, the list shall mention the race to which he belongs.

Publication of list.

353. Copies of such list shall be stuck up in the office of the Collector or other officer as aforesaid and in the Court-houses of the Magistrate of the District and of the Chief Civil Court, and in some conspicuous place in the town or towns near or in the vicinity of which the persons named in the list reside.

To every such copy shall be subjoined a notice, stating that objections to the list will be heard and determined by the Collector or other officer as aforesaid at a time and place to be mentioned in the notice.

Revision of list.

354. The Collector or other officer as aforesaid shall, at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not qualified in his judgment to serve as a juror or as an assessor, or who may avail himself of the exemption from service given by section 358, and insert the name of any person omitted from the list whom he deems qualified for such service.

A copy of the revised list shall be signed by the Collector or other officer as aforesaid and sent to the Court of Session.

Any order of the Collector or other officer as aforesaid in preparing and revising the list shall be final.

Annual revision of list.

355. The list so prepared and revised shall be again revised at least once in every year.

The list so revised shall be deemed a new list and shall be subject to all the rules hereinbefore contained as to the list originally prepared.

Jurors and assessors.

356. All male persons between the ages of twenty-one and sixty, resident within the local limits of the jurisdiction of the Court of Session, except those hereinafter mentioned, shall be deemed capable of serving as jurors and assessors, and shall be liable to be summoned accordingly.

Disqualifications.

357. The following persons are incapable of serving as jurors or as assessors in trials before the Court of Session, namely:—

Persons who hold any office in or under the said Court.

Persons executing any duties of Police or entrusted with any Police functions.

Persons who have been convicted of any offence against the State, or of any fraudulent or other offence which, in the judgment of the Collector, renders them unfit to serve on the jury.

Persons afflicted with any infirmity of body or mind, sufficient to incapacitate them from serving.

Persons who, by habit or religious vows, have relinquished all care of worldly affairs.

Exemptions.

358. The following persons are exempt from the liability to serve as jurors or as assessors, namely:—

Judges and other judicial officers.

Commissioners and Collectors of Revenue or Customs.

All persons engaged in the Preventive Service in the Customs Department.

All persons engaged in the collection of the revenue whom the Collector thinks fit to exempt on the ground of official duty.

Chaplains and others employed in religious offices.

All persons in the Military service.

Surgeons and others who openly and constantly practise in the profession of Physic.

Persons employed in the Post Office and Electric Telegraph Departments.

Persons actually officiating as priests in their respective religions.

Persons exempted by Government from personal appearance in Court under the provisions of the Code of Civil Procedure, section 22.

Person exempted is not bound to avail himself of his right of exemption.

The exemption from service given by this section is a right of which each person exempted may avail himself or not.

Nothing herein contained shall be construed to disqualify any such person, if he is willing to serve as a juror or as an assessor.

Court to summon jurors.

359. The Court of Session shall ordinarily, three days at the least before the time fixed for the holding of sessions, cause the Magistrate to summon as many persons named in the said revised list as seem to the Court to be needed for trials by jury and trials with the aid of assessors at the said sessions, the number to be summoned not being less than double the number required for any case about to be tried at such sessions.

The names of the persons to be summoned shall be drawn by lot in open Court, excluding those on the revised list who have served within six months, unless the number cannot be made up without them, and shall be specified in the precept to the Magistrate.

Form and service of summons.

360. Every summons to a juror or assessor shall be in writing, and shall require his attendance as a juror or assessor at a time and place to be therein specified.

The summons or a copy thereof shall be served on every juror or assessor personally.

If the juror or assessor summoned be absent from his usual place of abode, the summons may be left for him there with some adult male member of his family residing with him.

Power to summon another set of jurors or assessors.

361. The Court of Session may direct jurors or assessors to be summoned at other periods than the period specified in section 359, when the number of trials before the Court renders the attendance of one set of jurors or assessors for a whole session oppressive, or whenever it is found to be necessary.

Service of summons on officer of Government.

362. If any person summoned to serve as a juror or assessor be in the service of Government, the summons shall be sent to him through the head

officer of the office in which he is employed, and the Court may excuse the attendance of such person if it appear, on the representation of such head officer, that the person summoned cannot serve as a juror or assessor without inconvenience to the public service.

Court may excuse attendance of juror or assessor.

363. The Court of Session may excuse any juror or assessor from attendance for reasonable cause.

List of jurors or assessors attending.

364. At each session the Court shall cause to be made a list of the names of those who serve as jurors or assessors at such session.

The list shall be kept with the revised list of the jurors and assessors prepared under section 354.

A reference shall be made in the margin of the said revised list to each of the names which are mentioned in the list prepared under this section.

Penalty for non-attendance of juror or assessor.

365. Any person summoned to attend as a juror or as an assessor who, without lawful excuse, fails to attend as required by the summons, or having attended, departs without having obtained the permission of the Court, or fails to attend after an adjournment of the Court after being ordered to attend, shall be liable by order of the Court of Session to a fine not exceeding one hundred rupees.

Such fine shall be levied by the Magistrate of the District by attachment and sale of any moveable property belonging to such juror or assessor within the jurisdiction of the Court making the order.

In default of recovery of the fine by such attachment and sale, such juror or assessor may be imprisoned in the civil jail for the space of fifteen days if the fine be not sooner paid.

CHAPTER III.—*Miscellaneous Provisions.*

Procedure by Police upon seizure of stolen property.

366. The seizure by any Police officer of property alleged or suspected to have been stolen, or of property seized by any Police officer under circumstances which create suspicion of the committal of any offence, shall be forthwith reported to a Magistrate, who shall thereupon make such order respecting the custody and production of the property as he thinks proper.

Sale of perishable property.

If the property is of a perishable nature, or if it appear to the Magistrate that its sale would be for the benefit of the owner, he may at any time direct it to be sold, and shall hold the proceeds in trust for the owner subject to the provisions contained in sections 367 and 368:

Provided that no Subordinate Magistrate of the Second Class shall exercise this power unless he is generally or specially authorized to do so by the Magistrate of the District.

Procedure where owner of property seized unknown.

367. When the owner of any such property is unknown, the Magistrate may detain the same, or the proceeds thereof if sold, and, in case of such detention, shall issue a proclamation specifying the articles of which such property consists or consisted, and requiring any person who may have a claim thereto or to the proceeds thereof to appear before him and establish his claim within six months from the date of such proclamation.

Procedure if no claimant appear within six months.

368. If no person within such period establishes his claim to such property or proceeds, and if the person in whose possession such property was found is unable to show that it was legally acquired by him, the property shall be at the disposal of the Government, and may be sold under the orders of the Magistrate of the District, or, if it has been already sold by the Magistrate, the proceeds shall be at the disposal of the Government.

Order for disposal of property regarding which offence committed.

369. When the trial in any Criminal Court is concluded, the Court at the time of passing judgment may make such order as appears right for the disposal of any property produced before it regarding which any offence appears to have been committed.

Stay of such order.

370. Any Court of appeal, reference or revision may direct any such order passed by a Court subordinate thereto to be stayed, and may modify, alter or annul it.

Order may take form of reference to Magistrate of District.

371. The order passed by any Court under section 369 or 370 may be in the form of a reference of the property to the Magistrate of the District, who shall in such cases deal with it as if the property had been seized by the Police and the seizure had been reported to him in the manner hereinbefore mentioned.

Form and direction of warrant of commitment.

372. Every warrant for the commitment of a person to custody shall be in writing and signed and sealed by the Judge or Magistrate who issues it, and shall be directed to some jailor or other officer or person having authority to receive and keep prisoners, and shall be in the Form (C) given in the appendix to this Act or to the like effect.

Warrant with whom to be lodged.

373. The warrant of commitment shall be lodged with the jailor, if he be in the jail; and if he be not in the jail, with his deputy.

If the jailor has no deputy, the warrant may be lodged with any officer of the jail then being in the jail.

Expenses of complainant and witnesses.

374. Subject to any rules that may be passed by the Local Government with the previous sanction of the Governor General of India in Council, the Criminal Courts may order payment on the part of Government of the reasonable expenses of any complainant or witness attending for the purpose of any trial before such Court under this Act.

Interpreter to be sworn.

375. When the services of an interpreter are required by any Criminal Court for the interpretation of any evidence or statement, he shall be sworn in the manner provided for witnesses by any law for the time being in force, to interpret truly such evidence or statement, and he shall be bound to state the truth in his interpretation of such evidence or statement.

PART VIII.

EXCEPTIONAL INCIDENTS.

CHAPTER I.—*Lunatics.*

376. When any person charged with an offence appears to the Magistrate having jurisdiction to be of unsound mind and incapable, in consequence, of making a defence, the Magistrate shall institute an inquiry to ascertain the fact of such unsoundness of mind, and shall cause the accused person to be examined by the Civil Surgeon of the District, or some other medical officer, and thereupon shall examine such Civil Surgeon or other medical officer, and shall reduce the examination into writing.

Procedure in case of accused being lunatic.

If the Magistrate is of opinion that the accused person is of unsound mind, he shall stay further proceedings in the case.

377. When, from the evidence given before a Magistrate, there appears to be sufficient ground for believing that the accused person committed an act which, if he had been of sound mind, would have been an offence triable exclusively by the Court of Session, and that he was at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act charged or that he was doing what was wrong or contrary to law, he shall be sent for trial by the Magistrate before the Court of Session:

When accused appears to have been insane.

If the Magistrate is a Justice of the Peace and the accused person is a European British subject, the Magistrate shall follow the procedure prescribed in the second paragraph of section 176.

378. If any person committed for trial before a Court of Session, shall at his trial appear to the Court to be of unsound mind and incapable of making his defence, the Court shall in the first instance try the fact of such unsoundness of mind, and if satisfied of the fact, shall give a special judgment that the accused person is of unsound mind and incapable of making his defence, and thereupon the trial shall be postponed.

Procedure in case of person committed before a Court of Session being lunatic.

379. Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Magistrate or Court of Session, as the case may be, if the offence be bailable, may release such person on sufficient security being given that he shall be properly taken care of, and shall be prevented from doing injury to himself or to any other person, and for his appearance when required.

Release of lunatic pending investigation or trial.

If the offence be not bailable, or if the required bail be not given, the accused person shall be kept in safe custody in such place as the Local Government to which the case shall be reported shall direct.

Custody of lunatic.

380. Whenever any investigation or trial of a case is postponed under section 376 or section 378, the Magistrate or Court of Session, as the case may be, may at any time resume the investigation or trial, and require the accused person, if detained in custody, to be brought before such Magistrate or Court, or if the accused person has been released on security, may require his appearance.

Resumption of investigation or trial.

Until such investigation or trial is completed, the case shall be considered as pending before the Magistrate or Court of Session, and shall be included in any register of pending cases kept by such Magistrate or Court.

The surety of such person shall be bound at any time to produce him to any officer whom the Magistrate or Court of Session appoints to inspect him, and the certificate of such officer shall have the same effect as the certificate of an Inspector General of Jails or the visitors of Lunatic Asylums, granted under section 384.

381. If, when the accused person appears or is again brought before the Magistrate or the Court of Session, as the case may be, it appears to such Magistrate or Court that the accused person is in a fit state of mind to make his defence, the investigation shall proceed, or the accused person shall be put on his trial, as the case may require.

Procedure on accused appearing before Magistrate or Court of Session.

If it appears that the accused person is still of unsound mind, and incapable of making his defence, the Magistrate or Court of Session shall again act according to the provisions of section 376 or section 378.

382. Whenever any person is acquitted upon the ground that, at the time at which he is charged to have committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act charged or that he was doing what was wrong or contrary to law, the finding shall state specially whether he committed the act or not.

Finding in case of acquittal on ground of being lunatic.

383. Whenever such finding states that the accused person committed the act charged, the Magistrate or Court of Session before whom the trial was held shall, if the act charged would, but for the incapacity found, have amounted to an offence, order such person to be kept in safe custody, in such place and manner as to the Magistrate or Court of Session seems fit, and shall report the case for the order of the Local Government.

Person so acquitted to be kept in safe custody.

The Local Government may order such person to be kept in safe custody in a Lunatic Asylum or other suitable place of safe custody.

384. *Clause* 1.—When any person is confined under the provisions of section 379 or section 383, the Inspector General of Jails, if such person is confined in a jail, or the visitors of the Lunatic Asylums or any two of them, if he is confined in a Lunatic Asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every three months by such Inspector General or by two of such visitors as aforesaid, who shall make a special report to the Local Government as to his state of mind.

Lunatic prisoners to be visited by Inspector General.

Clause 2.—If such person is confined under section 379, and such Inspector General or visitors as aforesaid shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Magistrate or Court of Session, as the case may be, at such time as such Magistrate or Court of Session appoints; and such Magistrate or Court shall deal with such person under the provisions of section 381, and the certificate of such officer or visitors as aforesaid shall be receivable as evidence.

Procedure where lunatic prisoner is reported capable of making his defence.

Clause 3.—If such person is confined under the provisions of section 383, and such Inspector General or visitors as aforesaid shall certify that in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Local Government shall thereupon either order his discharge or order him to be transferred to a public Lunatic Asylum if he has not been already sent to such an Asylum, and shall appoint a commission, consisting of a judicial officer not below the grade of a Sessions Judge, and two medical officers, whereof the chief medical officer attached to the Lunatic Asylum shall be one.

Procedure where lunatic confined under section 357 is declared capable of being discharged.

The said commission shall make formal enquiry into the state of mind of such person, taking such evidence as is necessary; and if they consider that he can be set at liberty without danger to himself or to any other person, he shall be discharged.

385. Whenever it appears to the Local Government that any person imprisoned by the sentence of any Court or Magistrate is of unsound mind, the Local Government, by an order setting forth the grounds of belief that such prisoner is of unsound mind, may direct his removal to a Lunatic Asylum, there to be kept and treated as the Local Government directs during the remainder of the term of imprisonment ordered by the sentence: or if a medical officer certifies that it is necessary for the safety of the prisoner or others that he should be detained under care and treatment, then until he shall be discharged according to law.

Prisoner appearing to be insane, may be removed to Lunatic Asylum.

When it appears to the Local Government that such person has become of sound mind, the Local Government, by an order directed to the person having charge of him, shall remand him to the custody from which he was removed, if then still liable to be kept in custody, or, if not, shall order him to be discharged out of custody.

Remand or discharge of lunatic becoming sane.

The provisions of section IX of Act No. XXXVI of 1858 *(relating to Lunatic Asylums)* shall apply to persons confined in a Lunatic Asylum under this section after the expiration of the imprisonment ordered by the sentence.

The time during which a person is confined in a Lunatic Asylum shall be reckoned as part of the term of imprisonment ordered by the sentence.

386. Whenever any relative or friend of any person detained under the provisions of section 383 is desirous that he shall be delivered over to his care and custody, the Local Government, upon the application of such relative or friend and on his giving security to the satisfaction of such Government that the person detained shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may make an order that the person so detained may be delivered to such relative or friend.

Delivery of lunatic to care of relative.

Whenever such person is so delivered over, it shall be upon condition that he shall be subject to the inspection of such officer as the Local Government thinks necessary to appoint, and at such times as such Government directs.

The provisions of section 384 shall apply to persons detained under the provisions of this section, and the certificate of the inspecting officer appointed under this section shall have the same effect as a certificate of the officer in charge of the jail, or the Visitors of Lunatic Asylums under the said section.

CHAPTER II.—*Contempts.*

387. When any such offence as is described in section 175, 178, 179, 180 or 228 of the Indian Penal Code, is committed in the view or presence of any Civil, Criminal, or Revenue Court, the Court may cause the offender, whether he be a European British subject or not, to be detained in custody; and, at any time before the rising of the Court on the same day, may take cognizance of the offence; and adjudge the offender to punishment by fine not exceeding two hundred rupees, or by imprisonment in the civil jail for a period not exceeding one month, unless such fine be sooner paid.

Procedure in certain cases of contempt.

In every such case the Court shall record the facts constituting the contempt, with any statement the offender may make, as well as the finding and sentence.

If the Court, in any case, considers that a person accused of any offence above referred to should be imprisoned, or that a fine exceeding two hundred rupees should be imposed upon him, such Court, after recording the facts constituting the contempt, and the statement of the accused person as before provided, shall forward the case to a Magistrate, or, if the accused person be a European British subject, to a Justice of the Peace, and shall cause bail to be taken for the appearance of such accused person before such Magistrate or Justice of the Peace, or, if sufficient bail be not tendered, shall cause the accused person to be forwarded under custody to such Magistrate or Justice of the Peace.

If the case be forwarded to a Magistrate, he shall proceed to try the accused person in the manner provided by this Act for trials before a Magistrate, and such Magistrate may adjudge the offender to punishment, as provided in the section of the Indian Penal Code under which he is charged.

If the case be forwarded to a Justice of the Peace, he shall enquire into the circumstances, and shall have the same powers of punishing the offender as are vested by section 47 in a Justice of the Peace, and may deal with the offender in the same manner as is provided in that behalf in the said section.

If such Justice of the Peace considers the offence to require a more severe punishment than he is competent to award under the said section, he may commit the offender to the High Court.

In no case tried under this section shall any Magistrate adjudge imprisonment or a fine exceeding two hundred rupees for any contempt committed in his own presence against his own Court.

388. When any Court has adjudged an offender to punishment, or forwarded him to a Magistrate or Justice of the Peace for trial for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may discharge the offender, or remit the punishment, on his submission to the order or requisition of such Court, or on apology being made to its satisfaction.

Discharge of offender on submission or apology.

389. When any such offence as is described in chapter X of the Indian Penal Code, except sections 175, 178, 179 and 180, is committed in contempt of the lawful authority of any Civil, Criminal, or Revenue Court, by a European British subject, such offence shall be cognizable only by a Magistrate who is a Justice of the Peace, and such Magistrate shall have the same powers of punishment for such offence as are vested by section 47 in a Justice of the Peace, and may deal with the offender on conviction in the same manner as is provided in that behalf in the same section.

Procedure when offender is a European British subject.

If such Magistrate considers the offence to require a more severe punishment than a Justice of the Peace is competent to award under the same section, he may commit the offender to the High Court.

PART IX.

PLEADING IN CRIMINAL CASES.

CHAPTER I.—*Of the Charge.*

390. The charge shall describe the imputed offence as nearly as possible in the language of the Indian Penal Code, and shall refer to the section under which such offence is punishable.

Offence how described.

391. Every charge shall be understood to assume, and no charge shall allege, the absence of circumstances showing that the case does not come within any of the general exceptions contained in chapter IV of the Indian Penal Code.

Assumption of absence of general exceptions under Penal Code.

392. The burden of proving the existence of such circumstances shall be upon the person accused.

Evidence as to general exceptions.

393. When the section referred to in the charge contains an exception not being one of such General Exceptions, the charge shall not be understood to assume the absence of circumstances constituting such exception so contained in the section, without a distinct denial of the existence of such circumstances.

Special ground of exception from absence of circumstances not to be assumed.

394. The charge may contain one or more heads.

Charge may contain everal heads.

395. When a charge contains one head only, the form shall be as follows, or to the same effect:

Forms of charge.

(*a.*) I, *A* [*name and office of Magistrate, &c.,*] declare that there is hereby made against *Z* the charge—

(*b.*) That he, on or about the day of at , waged war against the Queen, and that he has thereby committed an offence punishable under section 121 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Penal Code, section 121.

(*d.*) And I hereby direct that *Z* be tried by the said Court on the said charge.

[*Signature and Seal of the Magistrate.*]

To be substituted for (*b*),

(2.) That he, on or about the day of at , with the intention of inducing the Honourable *A. B.*, a Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under section 124 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 124.

(3.) That he, being a public servant in the Department, directly accepted from [*state the name*] for another party [*state the name*] a gratification, other than legal remuneration, as a motive for his, the said *Z's* forbearing to do an official act, and that he has thereby committed an offence punishable under section 161 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 161.

(4.) That he, on or about the day of at , committed culpable homicide not amounting to murder, causing the death of , and that he has thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 304.

(5.) That he, on or about the day of at , abetted the commission of suicide by *A. B.*, a person in a state of intoxication, and that he has thereby committed an offence punishable under section 306 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 306.

(6.) That he, on or about the day of at , voluntarily caused grievous hurt to , and that he has thereby committed an offence punishable under section 325 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 325.

(7.) That he, on or about the day of at , committed robbery, and that he has thereby committed an offence punishable under section 392 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 392.

(8.) That he, on or about the day of at , committed dacoity, and that he has thereby committed an offence punishable under section 395 of the Indian Penal Code, and within the cognizance of the Court of Session.

On section 395.

And the same form shall be followed, as nearly as may be, in charges with one head only, under other sections of the Indian Penal Code.

396. When it appears to the Magistrate that the facts which can be established in evidence show a case falling within two or more sections of the Indian Penal Code, the charge shall contain two or more heads, each of which shall be applicable to one of such sections.

Charges in cases falling within several sections of Penal Code.

397. When it appears to the Magistrate that the facts which can be established in evidence show the commission of two or more offences falling within the same section of the Indian Penal Code, the charge shall contain two or more heads charging such offences respectively.

Charge where several offences punishable under same section.

398. When it appears to the Magistrate that the facts which can be established in evidence show a case falling within some one of two or more sections of the Indian Penal Code, but it is doubtful which of such sections will be applicable,

Charge in case of doubt as to section applicable, or offence proveable.

or show the commission of one of two or more offences falling within the same section of the said Code, but it is doubtful which of such offences will be proved,

the charge shall contain two or more heads, framed respectively under each of such sections, or charging respectively each of such offences accordingly.

399. When a charge contains more heads than one, the form shall be as follows, or to the same effect:—

Forms of charge containing several heads.

I, *A* [*name and office of Magistrate or other officer as aforesaid, &c.,*] declare that there is hereby made against *Z* the charge—

First:—That he, on or about the day of at , knowing a coin to be counterfeit, delivered the same to another person, by name *A. B.*, as genuine, and that he has thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session.

On Penal Code, sections 241 and 242.

Secondly:—That he, on or about the day of at , knowing a coin to be counterfeit, attempted to induce another person, by name *A. B.*, to receive it as genuine, and that he has thereby committed an offence punishable under section 242 of the Indian Penal Code, and within the cognizance of the Court of Session.

And I hereby direct that *Z* be tried by the said Court on the said charge.

[*Signature and Seal of the Magistrate.*]

First:—That he, on or about the day of at , committed murder by causing the death of , and that he has thereby committed an offence punishable under section 302 of the Indian Penal Code, and within the cognizance of the Court of Session.

On sections 302 and 304.

Secondly:—That he, on or about the day of at , by causing the death of , committed culpable homicide, and that he has thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session.

First:—That he, on or about the day of at , committed theft, and that he has thereby committed an offence punishable under section 379 of the Indian Penal Code, and within the cognizance of the Court of Session.

On sections 379 and 382.

Secondly:—That he, on or about the day of at , committed theft, having made preparation for causing death to a person in order to the committing of such theft, and that he has thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

Thirdly:—That he, on or about the day of at , committed theft, having made preparation for causing restraint to a person in order to the effecting of his escape after the committing of such theft, and that he has thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

Fourthly:—That he, on or about the day of at , committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and that he has thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session.

And the same form shall be followed, as nearly as may be, in charges with more heads than one, under other sections of the Indian Penal Code.

400. Any Court before which a trial is held may, at any stage of the trial, amend or alter the charge.

Amendment of charge.

401. If the amendment or alteration is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused person in his defence, it shall be at the discretion of the Court, after making the amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

When trial may proceed immediately after amendment.

402. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused person in his defence, the Court may either direct a new trial, or suspend the trial for such period as may be necessary to enable him to make his defence to the amended or altered charge; and, after hearing his defence, may further adjourn the trial, to admit of the appearance of any witness, whose evidence the Court may consider to be material to the case, or whom the accused person may wish to be summoned in his defence.

When new trial may be directed, or trial suspended.

403. In all cases of amendment or alteration of a charge, the accused person shall be allowed to recall and examine any witness who may have been examined.

Defendant may recall witnesses.

404. A person who has once been tried for an offence and convicted or acquitted of such offence, shall not be liable to be tried again for the same offence:

Person once convicted or acquitted not to be tried for same offence.

Provided that any person may be tried for the offence of culpable homicide and punished for that offence, notwithstanding he may have been tried and punished for the act which caused the death, if at the time of his conviction for the said act death has not resulted, or has not been known by the Court which passed sentence to have resulted.

Proviso as to culpable homicide.

405. If upon the trial of any person charged with the offence of criminal breach of trust under section 405 of the Indian Penal Code,

Person charged with criminal breach of trust may be found guilty of theft

or of criminal breach of trust as a carrier, wharfinger or warehouse-keeper under section 407 of the said Code,

it is proved that such person took the property in question in any such manner as to amount to the offence of theft under section 378 of the said Code,

he shall not be entitled to be acquitted.

But the Court, or the jury in a case tried by jury, may find that such person is not guilty of the offence charged, but is guilty of the said offence under the said section 378.

Thereupon such person shall be liable to be punished in the same manner as if he had been found guilty upon a charge under the said section 378.

Person charged with criminal breach of trust as a servant may be found guilty of theft, or of theft as a servant.

406. If upon the trial of any person charged with the offence of criminal breach of trust as a clerk or servant under section 408 of the Indian Penal Code, it is proved that he took the property in question in any such manner as to amount to

the offence of theft under section 378 of the said Code,

or the offence of theft as a clerk or servant of property in possession of his master under section 381 of the said Code,

he shall not be entitled to be acquitted, but the Court, or the jury in a case tried by jury, may find that he is not guilty of the offence charged, but is guilty of the said offence under the said section 378, or section 381, as the case may be.

Thereupon he shall be liable to be punished in the same manner as if he had been found guilty upon a charge under such section.

Person charged with theft may be found guilty of misappropriation or breach of trust.

407. If upon the trial of any person charged with the offence of theft under section 378 of the Indian Penal Code, or the offence of theft in a building, tent or vessel under section 380 of the said Code, it is proved that he took the property in question in any such manner as to amount to

the offence of dishonest misappropriation of property under section 403 of the said Code,

or the offence of criminal breach of trust under section 405 of the said Code,

he shall not be entitled to be acquitted, but the Court, or the jury in a case tried by jury, may find that he is not guilty of the offence charged, but is guilty of the said offence under the said section 403, or section 405, as the case may be.

Thereupon he shall be liable to be punished in the same manner as if he had been found guilty upon a charge under such section.

Person charged with theft as a servant may be found guilty of misappropriation or breach of trust.

408. If upon the trial of any person charged with the offence of theft as a clerk or servant of property in the possession of his master, under section 381 of the Indian Penal Code, it is proved that he took the property in question in any such manner as to amount to any of the following offences:—

dishonest misappropriation of property under section 403 of the said Code,

dishonest misappropriation of property possessed by a deceased person at the time of his death under section 404 of the said Code,

such dishonest misappropriation under the said section 404, the offender being at the time of the person's decease employed by him as a clerk or servant,

criminal breach of trust under section 405 of the said Code,

criminal breach of trust as a clerk or servant under section 408 of the said Code,

he shall not be entitled to be acquitted, but the Court, or the jury in a case tried by jury, may find that he is not guilty of the offence charged, but is guilty of the offence under the said section 403, section 404, section 405 or section 408, as the case may be.

Thereupon he shall be liable to be punished in the same manner as if he had been found guilty upon a charge under such section.

No person convicted under the last four sections to be charged on same facts.

409. No person charged and tried for an offence under any section of the Indian Penal Code in the last four sections mentioned, and found guilty of another offence under the provisions of any other of the said sections of the Indian Penal Code, shall be liable to be afterwards prosecuted upon the same facts under the section under which he was charged, or under the section under which he was found guilty.

Withdrawal of remaining charges on conviction on one of several charges.

410. In trials before a Court of Session, when more charges than one are preferred against the same person, and when a conviction has been had on one or more of them, the Government Pleader or other officer conducting the prosecution may, with the consent of the Court, withdraw, or the Court of its own accord may suspend, the enquiry into the remaining charge or charges.

CHAPTER II.—*Of the Finding, Judgment and Sentence.*

Judgment to specify offence.

411. When the trial in any Criminal Court is concluded, the Court, in passing judgment, if the accused person be convicted, shall distinctly specify the offence of which, and the section of the Indian Penal Code under which, he is convicted;

Judgment in the alternative.

or if it be doubtful under which of two sections the offence falls, shall distinctly express the same, and pass judgment in the alternative, according to section 72 of the said Code.

Form of finding and sentence.

412. The finding and sentence shall be recorded in one of the following forms, or to the same effect:—

In trials by Jury:—

(*A.*)—*When the jury are unanimous:*

The jury are unanimous in finding that *Z* is guilty of the offence specified in the charge, namely, that *Z* has waged war against the Queen, and has thereby committed an offence punishable under section 121 of the Indian Penal Code; and the Court directs that the said *Z* be [*sentence.*]

2nd.—The jury are unanimous in finding that *Z* is not guilty of the offence specified in the charge, namely, that *Z* has waged war against the Queen, and has thereby committed an offence punishable under section 121 of the Indian Penal Code; and the Court directs that the said *Z* be discharged.

(*B*).—*When the jury are not unanimous, but such a majority as is required by section* 217 *concur in finding the accused guilty:*

3rd.—A majority (*stating the number, consisting of four out of five, or five or six out of seven, or six, seven, or eight out of nine, as the case may be*) find that *Z* is guilty of the offence specified in the charge, namely, that *Z* has, with the intention of inducing the Honourable *A. B.*, a Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under section 124 of the Indian Penal Code. The Court directs that the said *Z* be [*sentence.*]

(*C*).—*When the jury are not unanimous, but such a majority as is required by section* 217 *concur in finding the accused not guilty:*

4th.—A majority of the jury (*stating the number, as above*) find that *Z* is not guilty of the offence specified in the charge, namely, that *Z* has, with the intention of inducing the Honourable *A. B.*, a Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and that he has thereby committed an offence punishable under section 124 of the Indian Penal Code. The Court directs that the said *Z* be discharged.

(*D*).—*When the jury, or such a majority as is required by section* 217, *concur in finding the accused guilty of an offence, but are doubtful under which of two heads of a charge the offence falls:*

5th.—The jury, or a majority of the jury (*stating the number, as above*) find that *Z* is guilty, either of the offence specified in the first head of the charge, or of the offence specified in the second head of the charge, namely, that *Z* has either committed theft, and has thereby committed an offence punishable under section 379 of the Indian Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under section 406 of the said Code. The Court directs that, under the provisions of the above-mentioned sections, and the provisions of section 72 of the Indian Penal Code, the said *Z* be [*sentence.*]

(*E*).—*When a majority less than the number required by section* 217 *find the accused guilty:*

6th.—A majority of not less than two-thirds of the jury (*stating the number, as above*) with the concurrence of the Judge, find that *Z* is guilty of the offence specified in the charge, namely, that he has committed, &c., &c. The Court directs that the jury be discharged, and that there be a new trial.

A similar form shall be followed if a verdict of not guilty is found by a majority less than is required by section 217.

(*F*).—*In trials with Assessors:*

7th.—The Court, concurring with the assessors (*or* one or more of the assessors), finds that *Z* is guilty of the offence specified in the charge, namely, that *Z* has committed the offence of rioting, and has thereby committed an offence punishable under section 147 of the Indian Penal Code; and the Court directs that the said *Z* be [*sentence.*]

8th.—The Court, differing from the assessors, finds that *Z* is not guilty of the offence specified in the charge, namely, that *Z* has committed the offence of rioting, and has thereby committed an offence punishable under section 147 of the Indian Penal Code; and the Court directs that the said *Z* be discharged.

9th.—The Court, concurring with one of the assessors, finds that *Z* is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge, namely, that *Z* has either committed theft, and has thereby committed an offence punishable under section 379 of the Indian Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under section 406 of the Indian Penal Code; and the Court directs that, under the provisions of the above-mentioned sections, and the provisions of section 72 of the Indian Penal Code, the said *Z* be [*sentence.*]

In trials upon a formal charge, without jury or the aid of assessors:

10th.—The Court finds that *Z* is guilty of the offence specified in the charge, namely, that *Z* has committed theft, and has thereby committed an offence punishable under section 379 of the Indian Penal Code; and the Court directs that the said *Z* be [*sentence.*]

11th.—The Court finds that *Z* is not guilty of the offence specified in the charge, namely, that *Z* has committed theft, and has thereby committed an offence punishable under section 379 of the Indian Penal Code; and the Court directs that the said *Z* be discharged.

In trials in which no formal charge has been prepared:

12th.—The Court finds that *Z* has used criminal force, and has thereby committed an offence punishable under section 353 of the Indian Penal Code, and directs that the said *Z* be [*sentence.*]

13th.—The Court finds that the complaint of assault is not proved, acquits *Z*, and directs that he be discharged.

Language of sentence.

413. Every sentence or final order of a Criminal Court, together with the reasons for making or passing the same, shall be written in the vernacular language of the presiding officer, and shall be dated and signed by such officer at the time of his making or passing the same.

The original shall be filed with the record of proceedings, and a translation thereof, where the original is recorded in a different language from that in ordinary use, in proceedings before such officer, shall be incorporated in the record of the sentence or order.

When sentence may be written in English.

414. If the vernacular language of the presiding officer is not English, and he is sufficiently conversant with the English language to be able to write the sentence or final order in a clear and intelligible manner in that language, and prefers to write the same in that

language, the sentence or final order may be written in English.

CHAPTER III.—*Prosecutions in certain Cases.*

Prosecutions for offences against the State.

415. A charge of an offence punishable under chapter VI of the Indian Penal Code, except section 127, shall not be entertained by any Court, unless the prosecution be instituted by order of, or under authority from, the Governor General of India in Council, or the Local Government, or some officer empowered by the Governor General in Council to order or authorize such prosecution, or unless instituted by the Advocate General.

Prosecution of Judges and public servants.

416. A charge of an offence punishable under chapter IX of the Indian Penal Code, of which any Judge or any public servant not removeable from his office without the sanction of the Government, is accused as such Judge or public servant, shall not be entertained against such Judge or public servant, except with the sanction or under the direction of the Local Government, or of some officer empowered by the Local Government, or of some Court or other authority to which such Judge or public servant is subordinate, and whose power so to sanction or direct such prosecution the Local Government shall not think fit to limit or reserve.

Prosecution for contempts of the lawful authority of public servants.

417. A charge of any offence described in chapter X of the Indian Penal Code, not falling within section 163, shall not be entertained in any Criminal Court, except with the sanction or on the complaint of the public servant concerned, or of his official superior.

The prohibition contained in this section shall not apply to the offences described in sections 189 and 190 of the Indian Penal Code.

Prosecution for certain offences against public justice.

418. A charge of an offence against public justice, described in section 193, 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, 210, 211 or 228 of the Indian Penal Code, when such offence is committed before or against a Civil or Criminal Court, shall not be entertained in the Criminal Courts, except with the sanction of the Court before or against which the offence was committed, or of some other Court to which such Court is subordinate.

Such sanction may be given at any time.

Prosecution for certain offences relating to documents given in evidence.

419. A charge of an offence relating to documents described in section 463, 471, 475 or 476 of the Indian Penal Code, when the document has been given in evidence in any proceedings in any Court of Justice, shall not be entertained against a party to such proceedings, except with the sanction of the Court in which the document was given in evidence, or of some other Court to which such Court is subordinate.

Such sanction may be given at any time.

Procedure in cases mentioned in last three preceding sections.

420. When any Court, Civil or Criminal, is of opinion that there is sufficient ground for investigating any charge mentioned in the last three preceding sections, the Court, after making such preliminary enquiry as may be necessary, may send the case for investigation to any Magistrate having power to try or commit for trial the accused person for the offence charged.

Such Magistrate shall thereupon proceed according to law, and the Court may send the accused person in custody or take sufficient bail for his appearance before such Magistrate, and may bind over any person to appear and give evidence on such investigation.

Power of Court of Session as to such offences committed before it.

421. A Court of Session may charge a person for any such offence committed before it or under its own cognizance if the offence be triable by the Court of Session exclusively, and may commit or hold to bail and try him upon its own charge.

In such case the Court of Session shall have the same power of summoning and causing the attendance at the trial of any witnesses for the prosecution or for the defence as is vested in a Magistrate by this Act.

Such Court may direct the Magistrate to cause the attendance of such witnesses on the trial.

Power of Civil Courts to complete investigation and commit to Court of Session.

422. In any case triable by the Court of Session exclusively, any Civil Court before which any such offence was committed may, instead of sending the case for investigation to a Magistrate, complete the investigation itself, and commit or hold to bail the accused person to take his trial before the Court of Session.

For the purposes of investigation under this section, the Civil Court may exercise all the powers of a Magistrate.

Procedure of Civil Court in such cases.

423. When any such commitment is made by order of a Civil Court, the Court shall frame a charge in the manner hereinafter provided, and shall send the same with the order of commitment and the record of the case to the Magistrate of the District or other officer exercising any of the powers of a Magistrate, and such Magistrate or other officer as aforesaid shall bring the case before the Court of Session, together with the witnesses for the prosecution and defence.

Court may exercise all powers of Magistrate as to binding over persons to give evidence.

424. Whenever any Court of Justice commits or holds to bail any person for trial under the last three preceding sections, it may also bind over any person to give evidence, and for that purpose may exercise all the powers of a Magistrate.

Procedure where offence triable only by Session Court is committed before Magistrate not empowered to commit to such Court.

425. If any such offence, triable by the Court of Session exclusively, be committed before a Magistrate not empowered to commit for trial before a Court of Session, he shall send the case to a Magistrate competent to make such commitment, who shall proceed to pass such order in the case as he thinks fit.

Prosecution for adultery.

426. A charge of an offence under section 497 of the Indian Penal Code shall not be instituted, except by the husband of the woman.

Prosecution for enticing away a married woman.

427. A charge of an offence under section 498 of the Indian Penal Code shall not be instituted, except by the husband of the woman or by the person having care of such woman on behalf of her husband.

PART X.

PREVENTIVE JURISDICTION OF MAGISTRATES.

CHAPTER I.—*Of Security for keeping the Peace.*

Personal recognizance to keep the peace in cases of conviction.

428. Whenever a person charged with rioting, assault, or other breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, is convicted of such charge before any Court of Session or the Magistrate of the District or a Magistrate in charge of a division of a District or other officer exercising the powers of a Magistrate,

and the Court or Magistrate or other officer as aforesaid by which or by whom the accused person is convicted, or the Court or Magistrate or other officer as aforesaid by which or by whom the final sentence or order in the case is passed, is of opinion that it is just and necessary to require a personal recognizance for keeping the peace from the person so convicted,

the Court or Magistrate or other officer as aforesaid so convicting the accused person, or so passing the final sentence or order as aforesaid, may, in addition, direct that the person so convicted be required to execute a formal engagement, in a sum proportionate to his condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding one year if the sentence or order be passed by a Magistrate, or three years if the sentence or final order be passed by a Court of Session:

If the accused person be sentenced to imprisonment, the period for which he may be required to execute a recognizance shall commence when he is released.

Where convicting officer has not powers of Magistrate.

When any accused person is convicted of any offence specified in this section by an officer not exercising the powers of a Magistrate, such officer, if he consider it just and necessary to require a personal recognizance for keeping the peace from the person so convicted, shall report the case to the Magistrate of the District, or other officer exercising the powers of a Magistrate to whom such officer is subordinate, who shall deal with the case as if the conviction had been before himself.

Security to keep the peace.

429. Whenever it appears necessary to require security for keeping the peace, in addition to the personal recognizance of the party so convicted, the Court or Magistrate or other officer as aforesaid, empowered to require a personal recognizance, may require security in addition thereto and fix the amount of the security-bond to be executed by the surety or sureties; with a provision that, if the same be not given, the party required to find the security shall be kept in custody for any time not exceeding one year if the order be passed by the Magistrate of the District or other officer exercising the powers of a Magistrate, or three years if the order be passed by the High Court or by a Court of Session.

Summons to any person to show cause why he should not give bond to keep peace.

430. The Magistrate of the District or other officer exercising the powers of a Magistrate, whenever he receives credible information that any person, whether a European British subject or not, is likely to commit a breach of the peace, or to do any act that may probably occasion a breach of the peace, may summon him to attend at a time and place mentioned in the summons, to show cause why he should not be required to enter into a bond to keep the peace with or without sureties as such Magistrate thinks fit.

Form of summons.

431. The summons shall set forth the substance of the information, the amount of the bond, and the term for which it is to be in force, and, if security is called for, the number of sureties required, and the amount in which they are to be bound respectively.

Such summons shall be served in the manner provided by this Act for the service of a summons on an accused person.

Penalty of bond.

432. The bond shall be in the Form (D) given in the appendix or to the like effect, and its penalty shall be fixed with a due regard to the circumstances of the case and the means of the party.

The amount in which the sureties shall be bound shall not exceed the penalty.

Warrant of arrest.

433. If the person summoned does not attend on the day appointed, the Magistrate or other officer as aforesaid, if satisfied that the summons has been duly served, may issue a warrant for his arrest:

Provided that, whenever it appears to the Magistrate or other officer as aforesaid, upon the report of a Police officer or upon other credible information (the substance of which report or information shall be recorded), that there is just reason to fear the commission of a breach of the peace, which may probably be prevented by the immediate arrest of any person, the Magistrate or other officer may at any time issue a warrant for his arrest.

Magistrate may dispense with personal attendance of person informed against.

434. The Magistrate or other officer as aforesaid may, if he see sufficient cause, dispense with the personal attendance of the person informed against and permit him to appear and enter into the required security, or show cause against such requisition, by an agent duly authorized to act in his behalf.

Discharge of person informed against.

435. If on the appearance of the person informed against, or of his agent, if he is permitted to appear by agent, the Magistrate or other officer as aforesaid is not satisfied that there is occasion to bind such person to keep the peace, the Magistrate or other officer as aforesaid shall direct his discharge.

436. If the Magistrate or other officer as aforesaid is satisfied that it is necessary for the preservation of the peace to take a bond from such person with or without security, he shall make an order accordingly; and if the person fails to comply with the order, the Magistrate or other officer as aforesaid may commit him to jail.

Non-compliance with order to give bond.

437. The period for which the Magistrate or other officer as aforesaid may bind a person to keep the peace with or without security, shall not exceed one year.

Time for which person may be bound to keep peace.

When a person is committed to jail under section 436, he shall not be detained by authority of the Magistrate or other officer as aforesaid beyond the term of one year, and shall be released whenever within that term he complies with the order.

Limit of imprisonment under section 436.

438. Whenever it appears to the Magistrate or other officer as aforesaid that it is necessary for the preservation of the peace to bind a person beyond the term of one year, he may, before the expiration of the first year, record his opinion to that effect and the grounds thereof, and may refer the case for the orders of the Court of Session.

Extension of time for which person may be bound.

Such Court, after examining the proceedings of the Magistrate or other officer as aforesaid and making such further enquiry as it thinks necessary, may, if it see cause, authorize the Magistrate or other officer as aforesaid to extend the term for a further period not exceeding one year.

If the person fails to give a bond, with security if required, for his keeping the peace for such further period as the Magistrate or other officer as aforesaid directs under the orders of the Court of Session, he may be kept in confinement for such further period or until within that period he gives such bond.

439. The Magistrate or other officer as aforesaid may, if he see sufficient cause, discharge any recognizance and surety for keeping the peace taken under the preceding sections, and may order the release of the person confined for default in entering into such recognizance or giving such security.

Discharge of recognizances.

440. A surety for the personal appearance of another person may at any time apply to the Magistrate or other officer as aforesaid, to be relieved from his engagement as surety.

Discharge of sureties.

On such application being made, the Magistrate shall issue his summons or warrant in order that the person for whom such surety is bound may appear or be brought before him.

On the appearance of the person to such warrant or on his voluntary surrender, the Magistrate or other officer as aforesaid shall direct the engagement of the surety to be cancelled, and shall call upon such person to give fresh security, and in default thereof shall commit him to custody.

441. Whenever it is proved before the Magistrate or other officer as aforesaid that any recognizance or other bond taken under this chapter has been forfeited, he shall record the grounds of such proof, and shall call upon the person bound by the bond to pay the penalty thereof, or to show cause why it should not be paid.

Recovery of penalty from principal.

If sufficient cause be not shown and the penalty be not paid, the Magistrate or other officer as aforesaid shall proceed to recover the same by the attachment and sale of any of the moveable property belonging to the person bound thereby which is found within the jurisdiction of the Magistrate of the District.

If the penalty be not paid and cannot be recovered by such attachment and sale, the party shall be liable to imprisonment by order of the Magistrate or other officer as aforesaid in the civil jail for a period not exceeding six months.

442. Whenever it is proved before the Magistrate or other officer as aforesaid that any bond with a surety has been forfeited, the Magistrate or other officer as aforesaid may at his discretion give notice to the surety to pay the penalty to which he has thereby become liable, or to show cause why it should not be paid.

Recovery of penalty from surety.

If no sufficient cause is shown, and the penalty is not paid, the Magistrate or other officer as aforesaid may proceed to recover payment of the penalty from such surety in the same manner as from the principal party.

CHAPTER II.—*Of Security for Good Behaviour.*

443. Whenever it appears to the Magistrate of the District or to an officer exercising the powers of a Magistrate that any person is lurking within his jurisdiction not having any ostensible means of subsistence, or who cannot give a satisfactory account of himself, such Magistrate or other officer as aforesaid may require security for his good behaviour for a period not exceeding six months.

When Magistrate may require security for good behaviour for six months.

444. Whenever it appears to such Magistrate or other officer as aforesaid, from the evidence as to general character adduced before him, that any person is by repute a robber, house-breaker, or thief,

When Magistrate may require security for good behaviour for one year.

or a receiver of stolen property, knowing the same to have been stolen,

or of notoriously bad livelihood,

such Magistrate or other officer as aforesaid may require security for his good behaviour for a period not exceeding one year.

445. Whenever it appears to such Magistrate or other officer as aforesaid, from the evidence as to general character adduced before him, that any person is by habit a robber, housebreaker, or thief,

Procedure where security required for more than one year.

or a receiver of stolen property, knowing the same to have been stolen,

or of a character so desperate and dangerous as to render his release, without security, at the expiration of the limited period of one year, hazardous to the community,

the Magistrate or other officer as aforesaid shall record his opinion to that effect, with an order specifying the amount of security which should, in his judgment, be required from such person, as well as the number of sureties, and the period, not exceeding three years, for which the sureties should be responsible for such person's good behaviour.

446. If the person so required to furnish security, does not furnish the same, the proceedings shall be laid, as soon as conveniently may be, before the Court of Session.

Proceedings to be laid before Court of Session.

Such Court, after examining them and requiring any further information or evidence which it judges necessary, may pass orders on the case, either confirming, modifying or annulling the orders of the Magistrate or other officer as aforesaid as it judges proper.

447. If the Court of Session does not think it safe to direct the immediate discharge of such person, it shall fix a limited period for his detention, not exceeding three years, in the event of his not giving the security required from him.

Court of Session may require security for period not exceeding three years.

448. Whenever security for good behaviour is required by the Court of Session or the Magistrate or other officer as aforesaid, the amount of the security, the number of sureties, and the period of time for which the sureties are to be responsible for the good conduct of the person required to furnish security, shall be stated in the order.

Contents of order for security.

The security-bond shall be in the Form (F) given in the appendix, or to the like effect.

449. In the event of any person required to give security under the provisions of the foregoing sections, failing to furnish the security so required, be shall be committed to prison until he furnish the same.

Imprisonment in default of security.

Provided that no such person shall be kept in prison for a longer period than that for which the security has been required from him.

Term of imprisonment.

Imprisonment under this section may be rigorous or simple, as the Court of Session in each case directs.

450. The Magistrate of the District or other officer exercising the powers of a Magistrate is empowered, at any time, to exercise his discretion in releasing, without reference to any other authority, any prisoner confined under requisition of security for good behaviour, whether by his own order or by the order of any officer subordinate to him, provided he is of opinion that such person can be released without hazard to the community.

Release of prisoners under requisition of security.

451. Whenever a Magistrate or other officer as aforesaid is of opinion that any person confined under requisition of security for good behaviour by order of a Court of Session, can be safely released without such security, the Magistrate or other officer as aforesaid shall make an immediate report of the case for the orders of the Court which shall have required the person to furnish the security.

Report in case of prisoner under requisition of security by order of Court of Session.

452. A surety for the good behaviour of a person may at any time apply to the Magistrate or other officer as aforesaid to be relieved from his engagement as surety.

Discharge of surety.

On such application being made, the Magistrate or other officer as aforesaid shall issue his summons or warrant in order that such person may appear or be brought before him.

On the appearance of such person pursuant to the warrant or on his voluntary surrender, the Magistrate or other officer as aforesaid shall direct the engagement of the surety to be cancelled, and shall call upon the person so appearing or surrendering to give fresh security, and, in default thereof, shall commit him to custody.

453. Whenever the Magistrate or other officer as aforesaid is of opinion that, by reason of an offence proved to have been committed by the person for whose good behaviour security has been given, subsequent to his having given such security, proceedings should be had upon the bond executed by the surety, he shall give notice to the surety to pay the penalty, or to show cause why it should not be paid.

Recovery of penalty from sureties.

If no sufficient cause be shown, the Magistrate or other officer as aforesaid shall proceed to recover the penalty from such surety by the attachment and sale of any moveable property belonging to him which may be found within the jurisdiction of the Magistrate of the District.

If the penalty be not paid, and cannot be recovered by such attachment and sale, the surety shall be liable to imprisonment by order of the Magistrate or other officer as aforesaid in the civil jail, for a period not exceeding six months.

454. The provisions of sections 431 and 433 relating to the issue of summons and warrant of arrest for securing the personal attendance of the party informed against, shall apply to proceedings taken under this chapter against persons required to give security for their good behaviour.

Issue of summons and warrant of arrest.

455. Any evidence taken under Part X, chapter I or this chapter, shall be taken as in cases usually heard by a Magistrate upon summons.

Manner of taking evidence under Part X, chapter I or this chapter.

CHAPTER III.—*Local Nuisances.*

456. Any Magistrate, by a written order, may direct any person to abstain from a certain act, or to take certain order with certain property in his possession, or under his management, whenever such

Magistrate may issue orders to prevent obstructions, danger to human life, or riots.

Magistrate considers that such direction is likely to prevent, or tends to prevent,

obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed,

or danger to human life, health, or safety,

or a riot or an affray.

457. Any Magistrate may enjoin any person not to repeat or continue a public nuisance as defined in section 268 of the Indian Penal Code.

Magistrate may prohibit repetition or continuance of public nuisances.

No appeal shall lie from an order made under this section.

458. Whenever the Magistrate of a District or of a division of a District, considers that any unlawful obstruction or nuisance should be removed from any thoroughfare or public place,

Magistrate may order removal of nuisances.

or that any trade or occupation, by reason of its being injurious to the health or comfort of the community, should be suppressed or should be removed to a different place,

or that the construction of any building or the disposal of any combustible substance, as likely to occasion conflagration, should be prevented,

or that any building is in such a state of weakness that it is likely to fall, and thereby cause injury to persons passing by, and that its removal in consequence is necessary,

or that any tank or well adjacent to any public thoroughfare should be fenced in such a manner as to prevent danger arising to the public—

he may issue an order to the person causing such obstruction or nuisance, or carrying on such trade or occupation, or being the owner or in possession of, or having control over, such building, substance, tank, or well as aforesaid, calling on him, within a time to be fixed in the order,

to remove such obstruction or nuisance,

or to suppress or remove such trade or occupation,

or to stop the construction of such building,

or to remove it,

or to alter the disposal of such substance,

or to fence such tank or well (as the case may be),

or to appear before himself or some other officer exercising the powers of a Magistrate or of a Sub-ordinate Magistrate of the First Class within the time mentioned in the order, and show cause why such order should not be enforced.

459. Such order shall, if practicable, be served personally on the person to whom it is issued.

Service or notification of order.

But if personal service is found to be impracticable, the order shall be notified by proclamation, and a written notice thereof shall be stuck up at such place or places as may be best adapted for conveying the information to such person.

460. The person to whom such order is issued shall be bound, within the time specified in the order, to obey the same or to appear before the Magistrate before whom he was required by the order to appear to show cause as aforesaid, or he may apply to such Magistrate for an order for a jury to be appointed to try whether the order is reasonable and proper.

Person ordered shall obey, or may claim a jury.

On receiving such application, the Magistrate shall forthwith appoint a jury consisting of an odd number of persons not less than five, of whom the foreman and one-half of the remaining members shall be nominated by such Magistrate, and the other members by the applicant.

Constitution of jury.

The execution of the order shall be suspended pending such enquiry, and the Magistrate who issued the order shall be guided by the decision of the jury, which shall be according to the opinion of the majority.

Suspension of order.

If the applicant, by neglect or otherwise, prevents the appointment of a jury, or if from any cause the jury so appointed does not decide and report within a reasonable time to be fixed in the order for the appointment, their functions shall cease from the date of the expiration of such period, unless they be continued by special order of the Magistrate.

Procedure in case of non-appointment of or neglect by jury.

If from any of the above causes no decision be made by the jury, the order of the Magistrate may be carried into effect as hereinafter provided.

461. If the person to whom the order mentioned in section 458 is issued does not obey such order,

Procedure in case of disobedience or neglect by person ordered.

or show cause against the same as hereinafter provided,

or apply for a jury within the time specified in such order,

he shall be liable to the penalty prescribed in that behalf in section 188 of the Indian Penal Code;

and the Magistrate who issued such order may proceed to carry it into execution at the expense of such person, and may realize such expenses, either by the sale of any building, goods, or other property removed by his order, or by the distress and sale of the moveable property of the person aforesaid.

No suit shall lie in respect of anything necessarily or reasonably done to give effect to such order.

462. If in a case referred to a jury, the jury find that the order of the Magistrate is reasonable and proper, the Magistrate who issued the order shall give notice of such finding to the person to whom the order was issued, and shall add to such notice an order to obey the order first mentioned within a time to be fixed in the notice and an intimation that, in case of disobedience, he will be liable to the penalty provided by section 188 of the Indian Penal Code.

Procedure where jury finds Magistrate's order to be reasonable.

If such latter order is not obeyed, the Magistrate may proceed as in section 461.

463. If the person to whom the order of the Magistrate is issued appears and shows cause against it, so as to satisfy the Magistrate who issued it that it is not reasonable and proper, no further proceedings shall be taken in the case.

Procedure where person ordered satisfies Magistrate that order is not reasonable.

464. If, pending the enquiry by a jury, the Magistrate who issued the order considers that immediate measures are necessary to be taken to prevent imminent danger or injury of a serious kind to the public, he may issue such an injunction to the person mentioned in that behalf in section 458, as is required to obviate or prevent such danger or injury.

Injunction pending enquiry by jury.

In default of such person forthwith taking all necessary measures ordered to be taken by such injunction, the Magistrate may himself use or cause to be used such means as may be necessary to obviate such danger or to prevent such injury.

No suit shall lie in respect of anything necessarily or reasonably done for that purpose.

465. Nothing in this chapter shall interfere with the provisions of section XLVIII of Act No. XXIV of 1859 *(for the better regulation of the Police within the territories subject to the Presidency of Fort St. George)*, or of section XXXIV of Act No. V of 1861 *(for the regulation of Police)*, or of section XVI of Act No. VIII of 1867 of the Governor of Bombay in Council.

Saving of certain statutory provisions.

CHAPTER IV.—*Possession.*

466. Whenever the Magistrate of the District or other officer exercising the powers of a Magistrate is satisfied that a dispute, likely to induce a breach of the peace, exists concerning any land, houses, water, fisheries, crops or other produce of land, within the limits of his jurisdiction, he shall record a proceeding stating the grounds of his being so satisfied, and shall call on all parties concerned in such dispute to attend his Court in person, or by agent, within a time to be fixed by the Magistrate or other officer as aforesaid, and to give in a written statement of their respective claims, as respects the fact of actual possession of the subject of dispute.

Magistrate how to proceed if any dispute concerning land, &c., is likely to cause breach of the peace.

The Magistrate or other officer as aforesaid shall, without reference to the merits of the claims of any party to a right of possession, proceed to enquire and decide which party is in possession of the subject of dispute, or if the parties are in joint possession, what is the share of which each party is in possession.

Party in possession to be continued until ousted by due course of law.

After satisfying himself upon that point, he shall issue an order declaring the party or parties to be entitled to retain possession until ousted by due course of law, and forbidding all disturbance of possession until such time.

467. If the Magistrate or other officer as aforesaid decides that neither of the parties is in possession, or is unable to satisfy himself as to which person is in possession, of the subject of dispute, he may attach it until a competent civil Court shall have determined the rights of the parties or who ought to be in possession.

If previous possession cannot be ascertained, Magistrate may attach subject of dispute.

468. If a dispute arise concerning the right of use of any land or water, the Magistrate or other officer as aforesaid within whose jurisdiction the subject of dispute lies, may enquire into the matter; and if it appear to him that the subject of dispute is open to the use of the public, or of any person or of any class of persons, the Magistrate or other officer may order that possession thereof shall not be taken or retained by any one to the exclusion of the public, or of such person, or of such class of persons, as the case may be, until the person claiming such possession shall obtain the decision of a competent Court adjudging him to be entitled to such exclusive possession.

Disputes concerning right of use of land or water.

Provided that the Magistrate or other officer as aforesaid, shall not pass any such order if the matter be such that the right of use is capable of being exercised at all times of the year, unless that right has been ordinarily exercised within three months from the date of the institution of the enquiry, or, in cases where the right of use exists at particular seasons, unless such right has been exercised during the last of such seasons before the complaint.

469. Whenever a local enquiry is necessary to determine a boundary dispute or a contested right of possession, any officer exercising the full powers of a Magistrate, may depute any Assistant or other officer subordinate to him to make the enquiry, and may furnish him with such instructions, consistent with the law for the time being in force, as may seem necessary for his guidance, and may declare by whom the whole or any part of the necessary expenses of the enquiry shall be paid.

Local enquiry to determine boundary dispute.

470. Nothing in this chapter shall affect the powers of a Collector or a person exercising the powers of a Collector or of a Revenue Court.

Saving of powers of Collectors and Revenue Courts.

CHAPTER V.—*Of the Maintenance of Wives and Families.*

471. If any person having sufficient means neglects or refuses to maintain his wife or legitimate or illegitimate child unable to maintain himself, the Magistrate of the District or other officer exercising the powers of a Magistrate may, upon due proof thereof, order him to make a monthly allowance for the maintenance of his wife or such child at such monthly rate, not exceeding fifty rupees in the whole, as to the Magistrate or other officer as aforesaid seems reasonable.

Order for maintenance of wives and children.

If such person wilfully neglects to comply with this order, the Magistrate or other officer as aforesaid may, for every breach of the order, by warrant, direct the amount due to be levied in the manner provided for levying fines; or may order him to be imprisoned with or without hard labour for any term not exceeding one month:

Enforcement of order.

Provided that, if such person offers to maintain his wife on condition of her living with him, and his wife refuses to live with him, the Magistrate or other officer as aforesaid may consider any grounds of refusal stated by such wife; and may make the order allowed by this section notwithstanding such offer, if he is satisfied that such person is living in adultery, or that he has habitually treated his wife with cruelty.

Proviso.

No wife shall be entitled to receive an allowance from her husband under this section, if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband.

472. On the application of any person ordered to pay a monthly allowance under the provisions of section 471, and on proof of a change in the circumstances of such person, his wife, or child, the Magistrate may make such alteration in the allowance ordered as he deems fit.

Alteration in allowance.

PART XI.

MISCELLANEOUS PROVISIONS.

Miscellaneous.

473. The procedure prescribed by this Act shall be followed, so far as it can be, in all miscellaneous criminal cases and proceedings which, after this Act comes into force, are instituted in any Court.

Procedure in miscellaneous criminal cases and proceedings.

474. Nothing in this Act shall be held to alter or affect the jurisdiction or procedure of the Commissioner of Police, the Police Magistrates, or the Police of the Towns of Calcutta, Madras and Bombay, except so far as this Act expressly provides for the same.

Saving of jurisdiction of Presidency Police Magistrates.

475. Nothing in this Act shall be held to alter or affect

Saving of jurisdiction and procedure of Landholders, Heads of Villages, Village Police Officers, Cantonment Magistrates.

(*a*) the jurisdiction, duties, or procedure of landholders specially empowered according to law in the Presidency of Bombay,

(*b*) the jurisdiction or procedure of the Heads of Villages in the Presidency of Fort Saint George,

(*c*) the jurisdiction, duties, or procedure of Village Police Officers in the Presidency of Bombay,

(*d*) the jurisdiction or procedure of any officer duly authorized and appointed under the laws in force in the Presidencies of Fort Saint George and Bombay respectively, for the trial of petty offences in Military bázárs at cantonments and stations occupied by the troops of those Presidencies respectively.

APPENDIX OF FORMS.

A.

FORM OF SUMMONS (*section* 106).

To *A. B.*, of

Whereas your attendance is necessary to answer to a charge of (*state shortly the offence charged*): You are hereby required to appear in person or by authorized agent, as the case may be, before the [Magistrate] of on the day of . Herein fail not.

(*Signature and Seal.*)

Dated the day of

B.

FORM OF WARRANT (*section* 113).

To (*name and designation of the person or persons who are to execute the warrant*).

Whereas of stands charged with the offence of (*state the offence*): You are hereby directed to apprehend the said and produce him before me. Herein fail not.

(*Signature and Seal.*)

This warrant may be endorsed as follows:—

'If the said shall give bail, himself in the sum of with one surety in the sum of (*or* two sureties each in the sum of) to appear before me on the day of he may be released.

(*Signature.*)

Dated

C.

FORM OF WARRANT OF COMMITMENT (*section* 222).

To Jailor of

Whereas of is charged with (*state the offence in respect of which the prisoner is charged, and the authority of the committing officer*):

You are hereby required to receive the said into your custody in the said jail of and him there safely to keep until he shall be thence delivered by due course of law.

(*Signature.*)

Dated the day of

D.

FORM OF BOND TO KEEP THE PEACE (*section* 432).

Whereas I inhabitant of have been called upon to enter into a bond to keep the peace for the term of , I hereby bind myself not to commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees.

(*Signature.*)

Dated

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

I hereby declare myself surety for the above-said that he shall not commit a breach of the peace or do any act that may probably occasion a breach of the peace during the said term; and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the sum of rupees.

(*Signature.*)

Dated

E.

FORM OF RECOGNIZANCE TO PROSECUTE OR GIVE EVIDENCE (*sections* 88 and 321).

I of do hereby bind myself to appear at in the Court of at o'clock on the day of next, and then and there to prosecute (*or, as the case may be,* to prosecute and give evidence, *or* to give evidence) in the matter of a charge of against one *A. B.*; and in case of my making default herein, I bind myself to forfeit to Her Majesty the sum of rupees.

F.

FORM OF BOND FOR GOOD BEHAVIOUR (*section* 448).

Whereas I inhabitant of have been called to enter into a bond to be of good behaviour to Her Majesty the Queen, and to all her subjects, for the term of , I hereby bind myself to be of good behaviour to Her Majesty and to all her subjects during the said term, and in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees.

Dated

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

I hereby declare myself surety for the above-said that he shall be of good behaviour to Her Majesty and to all her subjects during the said term; and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the sum of rupees.

SCHEDULE I.

ENACTMENTS REPEALED.

PART I.—STATUTE.

Year and Chapter.	Title.	Extent of repeal.
53 Geo. iii, cap. clv.	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's Charter.	Section one hundred and five.

PART II.—ACTS.

Number and Year.	Subject or Title.	Extent of repeal.
XV of 1843	An Act for the more extensive employment of Uncovenanted Agency in the Judicial Department.	Sections three, four, five and six.
XV of 1845	An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of Judicial and Revenue proceedings.	So much as has not been repealed.
XXIX of 1845.	An Act to empower the Government of Bombay to appoint Joint Zillah Judges or Joint Session Judges.	So much as has not been repealed.
I of 1849	An Act to provide more effectually for the punishment of offences committed in Foreign States.	The whole Act.
VII of 1853	An Act to extend the jurisdiction of Magistrates, under the 53rd Geo, iii, Cap. 155, Section 105, in cases of assaults, forcible entries, and other injuries accompanied with force, not being felonies.	The whole Act.
X of 1854	An Act for regulating the powers of Assistants to Magistrates, and of Deputy Magistrates appointed under Act XV of 1843.	So much as has not been repealed.
XX of 1856	An Act to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs and Bazaars in the Presidency of Fort William in Bengal.	Section fifty-eight.
XXV of 1861	An Act for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.	So much as has not been repealed.
XVII of 1862	An Act to repeal certain Regulations and Acts relating to Criminal Law and Procedure.	So much as has not been repealed.
XXVIII of 1867.	An Act to remove doubts as to the legality of certain sentences passed by tribunals, called Petty Sessions Courts, in the North-Western Provinces.	The whole Act.
XXXVI of 1867.	An Act to correct an error in Act No. XVII of 1862.	
VIII of 1869	An Act further to amend the Code of Criminal Procedure.	The whole Act.
XXVII of 1870.	To amend e Indian Penal Code.	Sections sixteen and seventeen, and the two schedules.

PART III.—REGULATIONS.—*continued.*

BENGAL REGULATIONS.

Number and Year.	Title.	Extent of repeal.
IX of 1793...	A Regulation for re-enacting with Alterations and Modifications, the Regulations passed by the Governor General in Council on the 3rd December 1790, and subsequent Dates, for the Apprehension and Trial of Persons charged with Crimes or Misdemeanors.	Sections three and thirty-four.
XVI of 1810	A Regulation to amend the existing Rules for the Appointment of Zillah and City Magistrates; to provide for the Appointment of Joint and Assistant Magistrates; and to alter the Provisions in force for the Payment of a fixed Reward on the Conviction of Public Offenders.	So much as has not been repealed.
XVII of 829	A Regulation for declaring the practice of Suttee, or of Burning or Burying alive the Widows of Hindoos, illegal, and punishable by the Criminal Courts.	Section three, clause one, from and including the words "and any zemindar" to the end of the clause. Clauses two and three.

MADRAS REGULATIONS.

IX of 1816...	A Regulation for reducing into one Regulation certain Rules which have been passed regarding the Office of the Zillah Magistrate, for modifying and defining his Powers, and for transferring the Office of Zillah Magistrate from the Judge to the Collector of the Zillah.	Sections three, four and five.
II of 1827 ...	A Regulation for constituting the Assistant Judges appointed under Regulation I, 1827, Joint Criminal Judges of the Zillahs in which they may be stationed, and for defining the Extent to which the Powers of Magistrate shall be exercised by Subordinate Collectors.	Section five.
VIII of 1827	A Regulation for granting to Native Judges Jurisdiction in Criminal Cases.	So much as has not been repealed.
I of 1830 ...	A Regulation for declaring the Practice of Suttee, or of burning or burying alive the widows of Hindoos, illegal, and punishable by the Criminal Courts.	The preamble. Section three, clause one, from "and any zemindar" to the end, clauses two and three. And sections four and five.

BOMBAY REGULATIONS.

XII of 1827	A Regulation for the establishment of a system of Police throughout the Zillahs subordinate to Bombay, for providing Rules for its Administration, and for defining the Duties and Powers of all Police Authorities and Servants.	Section ten, clause four.
XIII of 1827	A Regulation for defining the Constitution of Courts of Criminal Justice, and the Functions and Proceedings thereof.	Sections one, two, three, seven, eight, nine, fourteen, fifteen, clause one. Sections twenty-seven and twenty-eight.
III of 1830	A Regulation rescinding Regulations VIII. and XII. of 1828, and vesting the Criminal Judges with the Powers and Functions of Session Judges.	Sections two and six.
IV of 1830...	A Regulation rescinding such Parts of Regulation XII. of 1827 as vest the Criminal Judge with Police Jurisdiction of the Magistrate and his Assistants.	Section two.

SCHEDULE II.

Explanatory Notes.—1*st.*—The entries in the second and sixth columns of the schedule, headed respectively "Offence" and "Punishment" under the Indian Penal Code," are not intended as definitions of the offences and punishments described in the several corresponding sections of the Indian Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column.

2*nd.*—The term "Whether bailable or not," in column five, is to be taken in connection with the provisions of sections 212 and 213 of this Code.

3*rd.*—Offences may be tried by a Court superior to the Court specifically mentioned in column seven. For example, a Court of Session may try an offence entered in column seven as triable by a Magistrate.

4*th.*—The words "Magistrate of the District," as used in column seven, shall include any officer exercising the powers of a Magistrate.

5*th.*—The words "any Magistrate," as used in column seven, shall include any Subordinate Magistrate of the first or second class.

6*th.*—In the territories in British India to which the General Regulations of Bengal, Madras and Bombay do not extend, the powers given by this Act shall be exercised by such Officers as the Local Government of those territories respectively shall appoint.

7*th.*—The last part of this schedule headed "Offences against other Laws" shall not be taken to alter or affect any special provision contained in such laws regarding the procedure to be followed in the case of offences made punishable thereby.

CHAPTER V—OF ABETMENT.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	The same punishment as for the offence abetted.	By the Court by which the offence abetted is triable.
110	Abetment of any offence if the person abetted does the act with a different intention from that of the abettor.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
111	When one act is abetted and a different act is done, subject to the proviso.	Ditto ...	Ditto ...	Ditto ...	The same punishment as for the offence intended to be abetted.	Ditto.
113	When an effect is caused by the act abetted different from that intended by the abettor.	Ditto ...	Ditto ...	Ditto ...	The same punishment as for the offence committed.	Ditto.
114	If abettor is present when offence is committed ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
115	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for seven years and fine.	Ditto.
	If an act which causes harm be done in consequence of the abetment.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for fourteen years and fine.	Ditto.

CHAPTER V—OF ABETMENT—(*continued*).

1 Section	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
116	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	Imprisonment extending to one-fourth part of the longest term, and of any description provided for the offence, or fine, or both.	By the Court by which the offence abetted is triable.
	If the abettor or the person abetted be a public servant, whose duty it is to prevent the offence.	Ditto ...	Ditto ...	Ditto ...	Imprisonment extending to one-half of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
117	Abetting the commission of an offence by the public, or by more than ten persons.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Ditto.
118	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for seven years, and fine.	Ditto.
	If the offence be not committed	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Ditto.
119	A public servant concealing a design to commit an offence, which it is his duty to prevent, if the offence be committed.	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Imprisonment extending to one-half of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
	If the offence be punishable with death or transportation ...	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for ten years.	Ditto.
	If the offence be not committed	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Imprisonment extending to one-fourth part of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
120	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Ditto ...	Ditto ...	Ditto ...	Imprisonment extending to one-fourth part of the longest term, and of the description provided for the offence, or fine, or both.	Ditto.
	If not committed	Ditto ...	Ditto ...	Ditto ...	Imprisonment extending to one-eighth part of the longest term, and of the description provided for the offence, or fine, or both.	Ditto.

CHAPTER VI—OFFENCES AGAINST THE STATE.

121	Waging or attempting to wage war, or abetting the waging of war against the Queen.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Death, or transportation for life, and forfeiture of property.	Court of Session.
121 A.	Conspiring to commit certain offences against the State ...	...	Ditto ...	Ditto ...	Transportation for life or any shorter term, or imprisonment of either description for ten years.	Ditto.
122	Collecting arms, &c., with the intention of waging war against the Queen.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and forfeiture of property.	Ditto.
123	Concealing with intent to facilitate a design to wage war ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
124	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
124 A.	Exciting, or attempting to excite, disaffection	Ditto ...	Ditto ...	Ditto ...	Transportation for life or for any term and fine, or imprisonment of either description for three years and fine, or fine.	Ditto.
125	Waging war against any Asiatic power in alliance or at peace with the Queen, or abetting the waging of such war.	Ditto ...	Ditto ...	Ditto ...	Transportation for life and fine, or imprisonment of either description for seven years and fine, or fine.	Ditto.
126	Committing depredation on the territories of any power in alliance or at peace with the Queen.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine and forfeiture of certain property.	Ditto.
127	Receiving property taken by war or depredation, mentioned in sections 125 and 126.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
128	Public servant voluntarily allowing prisoner of State or War in his custody to escape.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
129	Public servant negligently suffering prisoner of State or War in his custody to escape.	Ditto ...	Ditto ...	Bailable ...	Simple imprisonment for three years, and fine.	Court of Session or Magistrate of the District.
130	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the recapture of such prisoner.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Court of Session.

CHAPTER VII—OFFENCES RELATING TO THE ARMY AND NAVY.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
131	Abetting mutiny, or attempting to seduce an officer, soldier, or sailor from his allegiance or duty.	May arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Court of Session.
132	Abetment of mutiny if mutiny is committed in consequence thereof.	Ditto ...	Ditto ...	Ditto ...	Death or transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
133	Abetment of an assault by an officer, soldier, or sailor on his superior officer when in the execution of his office.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
134	Abetment of such assault, if the assault is committed ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
135	Abetment of the desertion of an officer, soldier, or sailor ...	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District.
136	Harbouring such an officer, soldier, or sailor who has deserted	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
137	Deserter concealed on board merchant vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons ...	Ditto ...	Fine of five hundred rupees ...	Ditto.
138	Abetment of act of insubordination by an officer, soldier, or sailor, if the offence be committed in consequence.	May arrest without warrant.	Warrant ...	Ditto ...	Imprisonment of either description for six months, or fine, or both.	Ditto.
140	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for three months, or fine of five hundred rupees, or both.	Any Magistrate.

CHAPTER VIII—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

143	*Being a member of an unlawful assembly.*	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for six months, or fine, or both.	Any Magistrate.
	Joining an unlawful assembly armed with any deadly weapon.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Ditto ...	...	Ditto ...	Ditto ...	Ditto.
147	Rioting	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
148	Rioting armed with a deadly weapon	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	According as a warrant or summons may issue for the offence.	According as the offence is bailable or not.	The same as for the offence ...	By the Court by which the offence is triable.
150	Hiring, engaging, or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged, or employed.	Ditto ...	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Ditto.
151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Ditto ...	Summons ...	Bailable ...	Imprisonment of either description for six months, or fine, or both.	Any Magistrate.
152	Assaulting or obstructing public servant when suppressing riot, &c.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one year, or fine, or both.	Any Magistrate.
	If not committed	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for six months, or fine, or both.	Ditto.
154	Owner or occupier of land not giving information of riot, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Fine of one thousand rupees ...	Magistrate of the District, or Subordinate Magistrate of First Class.
155	Person for whose benefit, or on whose behalf a riot takes place not using all lawful means to prevent it.	Ditto ...	Ditto ...	Ditto ...	Fine ...	Ditto.
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
157	Harbouring persons hired for an unlawful assembly ...	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for six months, or fine, or both.	Ditto.

CHAPTER VIII—OFFENCES AGAINST THE PUBLIC TRANQUILLITY—*(continued.)*

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
158	Being hired to take part in an unlawful assembly or riot ...	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for six months, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
	Or to go armed	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
160	Committing affray	Shall not arrest without warrant.	Summons ...	Ditto ...	Imprisonment of either description for one month, or fine of one hundred rupees, or both.	Any Magistrate.

CHAPTER IX—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
162	Taking a gratification in order by corrupt or illegal means to influence a public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
163	Taking a gratification for the exercise of personal influence with a public servant.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one year, or fine, or both.	Magistrate of the District.
164	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.

166	Public servant disobeying a direction of the law with intent to cause injury to any person.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one year, or fine, or both.	Ditto.
167	Public servant framing an incorrect document with intent to cause injury.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
168	Public servant unlawfully engaging in trade	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one year, or fine, or both.	Magistrate of the District.
169	Public servant unlawfully buying or bidding for property ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for two years, or fine, or both, and confiscation of property, if purchased.	Ditto.
170	Personating a public servant	May arrest without warrant.	Warrant ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Any Magistrate.
171	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for three months, or fine of two hundred rupees, or both.	Ditto.

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	Simple imprisonment for one month, or fine of five hundred rupees, or both.	Any Magistrate.
	If summons or notice require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Ditto.
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one month, or fine of five hundred rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
	If summons, &c., require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Ditto.
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one month, or fine of five hundred rupees, or both.	Any Magistrate.
	If the order require personal attendance, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Ditto.

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*continued.*)

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Shall not arrest without warrant.	Summons ...	Bailable ...	Simple imprisonment for one month, or fine of five hundred rupees, or both.	Court in which the offence is committed, subject to the provisions of chapter X of this Code, or if not committed in a Court, the Magistrate of the District, or Subordinate Magistrate of First Class.
	If the document is required to be produced nor delivered to a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Ditto.
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one month, or fine of five hundred rupees, or both.	Magistrate of the District.
	If the notice or information required respects the commission of an offence, &c.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Ditto.
177	Knowingly furnishing false information to a public servant ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Magistrate of the District, or Subordinate Magistrate of First Class.
	If the information required respects the commission of an offence, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
178	Refusing oath when duly required to take oath by a public servant.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Court in which the offence is committed, subject to the provisions of chapter X of this Code, or if not committed in a Court, the Magistrate of the District, or Subordinate Magistrate of First Class.
179	Being legally bound to state the truth, and refusing to answer questions.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
180	Refusing to sign a statement made to a public servant when legally required to do so.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for three months, or fine of five hundred rupees, or both.	Ditto.
181	Knowingly stating to a public servant on oath as true that which is false.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District.
182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for six months, or fine of one thousand rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one month, or fine of five hundred rupees, or both.	Ditto.
185	Bidding by a person under a legal incapacity to purchase it for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one month, or fine of two hundred rupees, or both.	Ditto.
186	Obstructing public servant in discharge of his public functions.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three months, or fine of five hundred rupees, or both.	Ditto.
187	Omission to assist public servant when bound by law to give such assistance.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one month, or fine of two hundred rupees, or both.	Ditto.
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine of five hundred rupees, or both.	Ditto.

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(*continued.*)

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Shall not arrest without warrant.	Summons ...	Bailable ...	Simple imprisonment for one month, or fine of two hundred rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
	If such disobedience causes danger to human life, health or safety, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment for six months, or fine of one thousand rupees, or both.	Ditto.
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one year, or fine, or both.	Ditto.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

193	Giving or fabricating false evidence in a judicial proceeding...	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for seven years, and fine.	Court of Session.
	Giving or fabricating false evidence in any other case ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Ditto.
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or rigorous imprisonment for ten years, and fine.	Ditto.
	If innocent person be thereby convicted and executed ...	Ditto ...	Ditto ...	Ditto ...	Death, or as above	Ditto.
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years.	Ditto ...	Ditto ...	Ditto ...	The same as for the offence ...	Ditto.
196	Using in a judicial proceeding evidence known to be false or fabricated.	Ditto ...	Ditto ...	According as the offence of giving such evidence is bailable or not.	The same as for giving or fabricating false evidence.	Ditto.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto ...	Ditto ...	Bailable ...	The same as for giving false evidence ...	Ditto.
198	Using as a true certificate one known to be false in a material point.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
199	False statement made in any declaration which is by law received as evidence.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
200	Using as true any such declaration known to be false ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
	If punishable with transportation, or imprisonment for ten years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District.
	If punishable with less than ten years' imprisonment ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for one-fourth of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District or by the Court by which the offence is triable.
202	Intentional omission to give information of an offence by a person legally bound to inform.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for six months, or fine, or both.	Magistrate of the District.
203	Giving false information respecting an offence committed ...	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
204	Secreting or destroying any document to prevent its production as evidence.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
206	Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued.*)

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District.
209	False claim in a Court of Justice ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, and fine.	Ditto.
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
211	False charge of offence made with intent to injure ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If offence charged be capital or punishable with transportation for life, or imprisonment for seven years, or upwards.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
212	Harbouring an offender if the offence be capital ...	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for five years, and fine.	Ditto.
	If punishable with transportation for life, or with imprisonment for ten years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District.
	If punishable with imprisonment for one year, and not for ten years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment for one-fourth of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.
213	Taking gift, &c., to screen an offender from punishment, if the offence be capital.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for ten years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District.
	If with imprisonment for less than ten years ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for one-fourth of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.
214	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for ten years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
	If with imprisonment for less than ten years	Ditto ...	Ditto ...	Ditto ...	Imprisonment for one-fourth of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District or by the Court by which the offence is triable.
215	Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District.
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for ten years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
	If with imprisonment for one year and not for ten years ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment for one-fourth of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.
217	Public servant disobeying a direction of law with intent to save persons from punishment, or property from forfeiture.	Shall not arrest without warrant.	Summons ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session.
219	Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision which he knows to be contrary to law.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, or fine, or both.	Ditto.
220	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, with or without fine.	Ditt

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE (*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	If punishable with transportation for life, or imprisonment for ten years.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for three years, with or without fine.	Court of Session or Magistrate of the District.
	If with imprisonment for less than ten years	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, with or without fine.	Magistrate of the District, or Subordinate Magistrate of First Class.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for fourteen years, with or without fine.	Court of Session.
	If under sentence of transportation for life, or imprisonment or penal servitude for ten years or upwards.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, with or without fine.	Ditto.
	If under sentence of imprisonment for less than ten years	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for three years, or fine or both.	Court of Session or Magistrate of the District.
223	Escape from confinement negligently suffered by a public servant.	Ditto ...	Summons ...	Ditto ...	Simple imprisonment for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If charged with an offence punishable with transportation for life, or imprisonment for ten years.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
	If charged with a capital offence	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
	If the person is sentenced to transportation for life, or to transportation, penal servitude, or imprisonment for ten years or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If under sentence of death	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
225 A.	Escape, or attempt to escape, from custody for failing to furnish security for good behaviour.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District or Subordinate Magistrate of the First Class.
226	Unlawful return from transportation	Ditto ...	Ditto ...	Ditto ...	Transportation for life, and fine and rigorous imprisonment for three years before transportation.	Court of Session.
227	Violation of condition of remission of punishment ...	Shall not arrest without warrant.	Summons ...	Ditto ...	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	By the Court by which the original offence was triable.
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine of one thousand rupees, or both.	Court in which the offence is committed, subject to the provisions contained in chapter X of this Code.
229	Personation of a juror or assessor	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

231	Counterfeiting or performing any part of the process of counterfeiting Coin.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for seven years, and fine.	Court of Session.
232	Counterfeiting or performing any part of the process of counterfeiting the Queen's Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
233	Making, buying, or selling instrument for the purpose of counterfeiting Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
234	Making, buying, or selling instrument for the purpose of counterfeiting the Queen's Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
235	Possession of instrument or material for the purpose of using the same for counterfeiting Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
	If Queen's Coin	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Court of Session.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS (*continued*).

1 Section	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
236	Abetting in India the counterfeiting out of British India of Coin.	May arrest without warrant.	Warrant ...	Not bailable ...	The punishment provided for abetting the counterfeiting of such coin within British India.	Court of Session.
237	Import or export of counterfeit Coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
238	Import or export of counterfeits of the Queen's Coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Court of Session.
239	Having any counterfeit Coin known to be such when it came into possession, and delivering, &c., the same to any person.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for five years, and fine.	Ditto.
240	The same with respect to the Queen's Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
241	Knowingly delivering to another any counterfeit Coin as genuine which when first possessed the deliverer did not know to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine of ten times the value of the Coin counterfeited, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
242	Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
243	Possession of Queen's Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
244	Persons employed in a Mint causing Coin to be of a different weight or composition from that fixed by law.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
245	Unlawfully taking from a Mint any coining instrument.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
246	Fraudulently diminishing the weight or altering the composition of any Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
247	Fraudulently diminishing the weight or altering the composition of the Queen's Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
248	Altering appearance of any Coin with intent that it shall pass as a Coin of a different description.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
249	Altering appearance of the Queen's Coin with intent that it shall pass as a Coin of a different description.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session.
250	Delivery to another of Coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for five years, and fine.	Ditto.
251	Delivery of Queen's Coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
252	Possession of altered Coin by a person who knew it to be altered when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session or Magistrate of the District.
253	Possession of Queen's Coin by a person who knew it to be altered when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for five years, and fine.	Court of Session.
254	Delivery to another of Coin as genuine, which, when first possessed, the deliverer did not know to be altered.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine of ten times the value of the Coin.	Magistrate of the District, or Subordinate Magistrate of First Class.
255	Counterfeiting a Government stamp.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for ten years, and fine.	Court of Session.
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
257	Making, buying, or selling instrument for the purpose of counterfeiting a Government stamp.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
258	Sale of counterfeit Government stamp.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
259	Having possession of a counterfeit Government stamp.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
260	Using as genuine a Government stamp known to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, or fine, or both.	Ditto.
261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause wrongful loss to Government.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.
262	Using a Government stamp known to have been before used.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS (*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
263	Erasure of mark denoting that stamp has been used.	May arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for three years, or fine, or both.	Court of Session or Magistrate of the District.

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

264	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
265	Fraudulent use of false weight or measure.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
266	Being in possession of false weights or measures for fraudulent use.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
267	Making or selling false weights or measures for fraudulent use.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.

269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for six months, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
271	Knowingly disobeying any quarantine rule.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for six months, or fine, or both.	Ditto.

272	Adulterating food or drink for man intended for sale so as to make the same noxious.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for six months, or fine of one thousand rupees, or both.	Ditto.
273	Selling any food or drink as food and drink for man knowing the same to be noxious.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
277	Defiling the water of a public spring or reservoir.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for three months, or fine of five hundred rupees, or both.	Any Magistrate.
278	Making atmosphere noxious to health.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Fine of five hundred rupees ...	Ditto.
279	Driving or riding on a public way so rashly or negligently as to endanger human life, &c.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for six months, or fine of one thousand rupees, or both.	Ditto.
280	Navigating any vessel so rashly or negligently as to endanger human life, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Magistrate of the District, or Subordinate Magistrate of First Class.
281	Exhibition of a false light, mark, or buoy.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for seven years, or fine, or both.	Court of Session.
282	Conveying for hire any person by water in a vessel in such a state, or so loaded, as to endanger his life.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for six months, or fine of one thousand rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
283	Causing danger, obstruction, or injury in any public way or line of navigation.	Ditto ...	Ditto ...	Ditto ...	Fine of two hundred rupees ...	Ditto.
284	Dealing with any poisonous substance so as to endanger human life, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for six months, or fine of one thousand rupees, or both.	Ditto.
285	Dealing with fire or any combustible matter so as to endanger human life, &c.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto	Any Magistrate.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.
(continued.)

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
286	So dealing with any explosive substance.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for six months, or fine of one thousand rupees, or both.	Any Magistrate.
287	So dealing with any machinery.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto	Magistrate of the District, or Subordinate Magistrate of First Class.
288	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt from such animal.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto	Any Magistrate.
290	Committing a public nuisance.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Fine of two hundred rupees ...	Ditto.
291	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	Ditto ...	Ditto ...	Simple imprisonment for six months, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
292	Sale, &c., of obscene books, &c.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for three months, or fine, or both.	Ditto.
293	Having in possession obscene book, &c., for sale or exhibition.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
294	Obscene songs.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
294 A.	Keeping a lottery office.	Shall not arrest without warrant.	Summons ...	Ditto ...	Imprisonment of either description for six months, or fine, or both.	Any Magistrate.
	Publishing proposals relating to lotteries.	Ditto ...	Ditto ...	Ditto ...	Fine of a thousand rupees ...	Ditto.

CHAPTER XV—OFFENCES RELATING TO RELIGION.

295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District.
296	Causing a disturbance to an assembly engaged in religious worship.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one year, or fine, or both.	Ditto.
297	Trespassing in a place of worship or sepulture, disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feelings.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY.

Offences affecting life.

302	Murder.	May arrest without warrant.	Warrant ...	Not bailable ...	Death, transportation for life, and fine.	Court of Session.
303	Murder by a person under sentence of transportation for life.	Ditto ...	Ditto ...	Ditto ...	Death	Ditto.
304	Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, &c.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, or fine, or both.	Ditto.
304A.	Causing death by negligence.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Court of Session or Magistrate of the District.
305	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	Ditto ...	Ditto ...	Not bailable ...	Death, or transportation for life, or imprisonment for ten years, and fine.	Court of Session.
306	Abetting the commission of suicide.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
307	Attempt to murder.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If such act cause hurt to any person.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above ...	Ditto.
308	Attempt to commit culpable homicide.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for three years, or fine, or both.	Ditto.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY (*continued*).

Offences affecting life (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	If such act cause hurt to any person.	May arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for seven years, or fine, or both.	Court of Session.
309	Attempt to commit suicide.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for one year, and fine.	Magistrate of the District.
311	Being a thug.	Ditto ...	Ditto	Not bailable ...	Transportation for life, and fine.	Court of Session.
	Of the causing of Miscarriage; of injuries to unborn children; of the exposure of infants; and of the concealment of births.					
312	Causing miscarriage.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for three years, or fine, or both.	Court of Session.
	If the woman be quick with child.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
313	Causing miscarriage without woman's consent.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
314	Death caused by an act done with intent to cause miscarriage.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
	If act done without woman's consent.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above.	Ditto.
315	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, or fine, or both.	Ditto.
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
317	Exposure of a child under twelve years by parent or person having care of it with intention of wholly abandoning it.	May arrest without warrant.	Ditto ...	Bailable ...	Imprisonment of either description for seven years, or fine, or both.	Ditto.
318	Concealment of birth by secret disposal of dead body ...	Ditto ...	Ditto ...	Ditto ..	Imprisonment of either description for two years, or fine, or both.	Court of Session or Magistrate of the District.
	Of Hurt.					
323	Voluntarily causing hurt.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for one year, or fine of one thousand rupees, or both.	Any Magistrate.
324	Voluntarily causing hurt by dangerous weapons or means.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
325	Voluntarily causing grievous hurt.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
326	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Court of Session.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
328	Administering stupefying drug with intent to cause hurt.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for seven years, and fine.	Ditto.
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for ten years, and fine.	Ditto.
332	Voluntarily causing hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District.
333	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for ten years, and fine.	Court of Session.
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Ditto ...	Summons ...	Bailable ...	Imprisonment of either description for one month, or fine of five hundred rupees, or both.	Any Magistrate.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY (*continued*).

Of Hurt (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for four years, or fine of two thousand rupees, or both.	Court of Session, or Magistrate of the District.
336	Doing any act which endangers human life or the personal safety of others.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three months, or fine of two hundred and fifty rupees, or both.	Any Magistrate.
337	Causing hurt by an act which endangers human life, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for six months, or fine of five hundred rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
338	Causing grievous hurt by an act which endangers human life, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine of one thousand rupees, or both.	Ditto.
	Of wrongful Restraint and wrongful Confinement.					
341	Wrongfully restraining any person.	May arrest without warrant.	Summons ...	Bailable ...	Simple imprisonment for one month, or fine of five hunded rupees, or both.	Any Magistrate.
342	Wrongfully confining any person.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one year, or fine of one thousand rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
343	Wrongfully confining for three or more days.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
344	Wrongfully confining for ten or more days.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District.
345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for two years, in addition to imprisonment under any other section.	Ditto.
346	Wrongful confinement in secret.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto	Ditto.
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Ditto.
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	Of Criminal Force and Assault.					
352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for three months, or fine of five hundred rupees, or both.	Any Magistrate.
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
354	Assault or use of criminal force to a woman with intent to outrage her modesty.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
355	Assault or criminal force with intent to dishonour a person otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto	Ditto.
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant ...	Not bailable ...	Ditto	Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for one year, or fine of one thousand rupees, or both.	Ditto.
358	Assault or use of criminal force on grave and sudden provocation	Shall not arrest without warrant.	Summons ...	Ditto ...	Simple imprisonment for one month, or fine of two hundred rupees, or both.	Ditto.
	Of Kidnapping, Forcible Abduction, Slavery, and forced Labour.					
363	Kidnapping.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for seven years, and fine.	Court of Session.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Kidnapping, Forcible Abduction, Slavery, and forced Labour (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
364	Kidnapping or abducting in order to murder.	May arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or rigorous imprisonment for ten years, and fine.	Court of Session.
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
368	Concealing or keeping in confinement a kidnapped person.	Ditto ...	Ditto ...	Ditto ...	Punishment for kidnapping or abduction.	Ditto.
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
370	Buying or disposing of any person as a slave.	Shall not arrest without warrant.	Ditto ...	Bailable ...	Ditto	Ditto.
371	Habitual dealing in slaves.	May arrest without warrant.	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
372	Selling or letting to hire a minor for the purpose of prostitution.	Ditto ...	Ditto ...	Ditto ...	Imprisonment for either description for ten years, and fine.	Ditto.
373	Buying or obtaining possession of a minor for the same purpose.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
374	Unlawful compulsory labour.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for one year, or fine, or both.	Any Magistrate.

Of Rape.

376	Rape.	May arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Court of Session.

Of Unnatural Offences.

377	Unnatural offences.	May arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Court of Session.

CHAPTER XVII—OF OFFENCES AGAINST PROPERTY.

Of Theft.

379	Theft.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for three years, or fine, or both.	Any Magistrate.
380	Theft in a building, tent, or vessel.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
381	Theft by clerk or servant of property in possession of master or employer.	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session, or Magistrate of the District.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retiring after committing it, or to retaining property taken by it.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for ten years, and fine.	Court of Session.

Of Extortion.

384	Extortion.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
385	Putting or attempting to put in fear of injury, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.

CHAPTER XVII—OF OFFENCES AGAINST PROPERTY—(*continued*).

Of Extortion (continued).

Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
386	Extortion by putting a person in fear of death or grievous hurt.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for ten years, and fine.	Court of Session.
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for ten years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
	If the offence threatened be an unnatural offence.	Ditto ...	Ditto ...	Ditto ...	Transportation for life.	Ditto.
389	Putting person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment for ten years, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
	If the offence be an unnatural offence.	Ditto ...	Ditto ...	Ditto ...	Transportation for life.	Ditto.

Of Robbery and Dacoity.

392	Robbery.	May arrest without warrant.	Warrant ...	Not bailable ...	Rigorous imprisonment for ten years, and fine.	Court of Session, or Magistrate of the District.
	If committed on the highway between sunset and sunrise.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for fourteen years, and fine.	Ditto.
393	Attempt to commit robbery.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for seven years, and fine.	Ditto.
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person generally concerned in such robbery.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for ten years, and fine.	Court of Session.
395	Dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
396	Murder in dacoity.	Ditto ...	Ditto ...	Ditto ...	Death, transportation for life, or rigorous imprisonment for ten years, and fine.	Ditto.
397	Robbery or dacoity with attempt to cause death or grievous hurt.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for not less than seven years.	Ditto.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
399	Making preparation to commit dacoity.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for ten years, and fine.	Ditto.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above ...	Ditto.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for seven years, and fine.	Ditto.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

Of Criminal Misappropriation of Property.

403	Dishonest misappropriation of moveable property or converting it to one's own use.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Any Magistrate.
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District.
	If by clerk or person employed by deceased.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.

Of Criminal Breach of Trust.

406	Criminal breach of trust.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.

CHAPTER XVII—OFFENCES AGAINST PROPERTY—(*continued*).

Of Criminal Breach of Trust (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
407	Criminal breach of trust by a carrier, wharfinger, &c.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for seven years, and fine.	Court of Session, or Magistrate of the District.
408	Criminal breach of trust by a clerk or servant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
409	Criminal breach of trust by public servant, or by banker, merchant, or agent, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.

Of the receiving of Stolen Property.

411	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrats of the District, or Subordinate Magistrate of First Class.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for ten years, and fine.	Court of Session.
413	Habitually dealing in stolen property.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
414	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.

Of Cheating.

417	Cheating.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for one year, or fine, or both	Magistrate of the District, or Subordinate Magistrate of First Class.
418	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
419	Cheating by personation.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
420	Cheating and thereby dishonestly inducing delivery of property, or the alteration or destruction of a valuable security.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Court of Session, or Magistrate of the District.

Of Fraudulent Deeds and Dispositions of Property.

421	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
424	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

Of Mischief.

426	Mischief.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for three months, or fine, or both.	Any Magistrate.

CHAPTER XVII—OFFENCES AGAINST PROPERTY—*(continued)*.

Of Mischief (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
427	Mischief, and thereby causing damage to the amount of fifty rupees or upwards.	Shall not arrest without warrant.	Warrant	Bailable	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
428	Mischief by killing, poisoning, maiming or rendering useless, any animal of the value of ten rupees or upwards.	Ditto	Ditto	Ditto	Ditto	Ditto.
429	Mischief by killing, poisoning, maiming or rendering useless, any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of fifty rupees or upwards.	Ditto	Ditto	Ditto	Imprisonment of either description for five years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
430	Mischief by causing diminution of supply of water for agricultural purposes, &c.	May arrest without warrant.	Ditto	Ditto	Ditto	Ditto
431	Mischief by injury to public road, bridge, river or navigable channel, and rendering it impassable or less safe for travelling, or conveying property.	Ditto	Ditto	Ditto	Ditto	Ditto.
432	Mischief by causing inundation or obstruction to public drainage attended with damage.	Ditto	Ditto	Ditto	Ditto	Ditto.
433	Mischief by destroying or moving or rendering less useful a light-house or sea-mark, or by exhibiting false lights.	Ditto	Ditto	Ditto	Imprisonment of either description for seven years, or fine, or both.	Court of Session.
434	Mischief by destroying or moving, &c., a landmark fixed by public authority.	Shall not arrest without warrant.	Ditto	Ditto	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
435	Mischief by fire or explosive substance with intent to cause damage to amount of one hundred rupees or upwards.	May arrest without warrant.	Ditto	Ditto	Imprisonment of either description for seven years, and fine.	Court of Session.
436	Mischief by fire or explosive substance, with intent to destroy a house, &c.	Ditto	Ditto	Not bailable	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of twenty tons burden.	Ditto	Ditto	Ditto	Imprisonment of either description for ten years, and fine.	Ditto.
438	The mischief described in the last section when committed by fire or any explosive substance.	Ditto	Ditto	Ditto	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
439	Running vessel ashore with intent to commit theft, &c.	Ditto	Ditto	Ditto	Imprisonment of either description for ten years, and fine.	Ditto.
440	Mischief committed after preparation made for causing death or hurt, &c.	Ditto	Ditto	Ditto	Imprisonment of either description for five years, and fine.	Ditto.

Of Criminal Trespass.

447	Criminal trespass.	May arrest without warrant.	Summons	Bailable	Imprisonment of either description for three months, or fine of five hundred rupees, or both.	Any Magistrate.
448	House-trespass.	Ditto	Warrant	Ditto	Imprisonment of either description for one year, or fine of one thousand rupees, or both.	Ditto.
449	House-trespass in order to the commission of an offence punishable with death.	Ditto	Ditto	Not bailable	Transportation for life, or rigorous imprisonment for ten years, and fine.	Court of Session.
450	House-trespass in order to the commission of an offence punishable with transportation for life.	Ditto	Ditto	Ditto	Imprisonment of either description for ten years, and fine.	Ditto.
451	House-trespass in order to the commission of an offence punishable with imprisonment.	Ditto	Ditto	Bailable	Imprisonment of either description for two years, and fine.	Any Magistrate.
	If the offence is theft.	Ditto	Ditto	Not bailable	Imprisonment of either description for seven years, and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
452	House-trespass, having made preparation for causing hurt, assault, &c.	Ditto	Ditto	Ditto	Ditto	Ditto.
453	Lurking house-trespass or house-breaking.	Ditto	Ditto	Ditto	Imprisonment of either description for two years, and fine.	Magistrate of the District, or Subordinate Magistrate of First Class.

CHAPTER XVII—OFFENCES AGAINST PROPERTY—*(continued)*.

Of Criminal Trespass (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
	If the offence is theft.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for ten years, and fine.	Ditto.
455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Court of Session.
456	Lurking house-trespass or house-breaking by night.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for five years, and fine.	Ditto.
	If the offence is theft.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for fourteen years, and fine.	Ditto.
458	Lurking house-trespass or house-breaking by night after preparation made for causing hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Court of Session.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.

CHAPTER XVIII—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.

465	Forgery.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Court of Session.
466	Forgery of a record of a Court of Justice or of a Register of Births, &c., kept by a public servant.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for seven years, and fine.	Ditto.
467	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for ten years, and fine.	Ditto.
	When the valuable security is a promissory note of the Government of India.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto.	Ditto.
468	Forgery for the purpose of cheating.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for three years, and fine.	Ditto.
471	Using as genuine a forged document which is known to be forged.	Ditto ...	Ditto ...	Ditto ...	Punishment for forgery	Ditto.
	When the forged document is a promissory note of the Government of India.	May arrest without warrant.	Ditto ...	Not bailable ...	Ditto	Ditto.
472	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for seven years, and fine.	Ditto.
473	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under section 467 of the Indian Penal Code, or possessing with like intent any such seal, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
474	Having possession of a document, knowing it to be forged, with intent to use it as genuine.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XVIII—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS—*(continued)*.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	If the document is a valuable security or will.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or as above ...	Court of Session.
475	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting a will, &c.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for seven years, and fine.	Ditto.
	Of Trade and Property-Marks.					
482	Using a false trade or property-mark with intent to deceive or injure any person.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
483	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Ditto.
484	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for three years, and fine.	Court of Session, or Magistrate of the District.
485	Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trademark.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Ditto.
486	Knowingly selling goods marked with a counterfeit property or trademark.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of First Class.
488	Making use of any such false mark.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
489	Removing, destroying, or defacing any property-mark with intent to cause injury.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.

CHAPTER XIX—OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

490	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for one month, or fine of one hundred rupees, or both.	Magistrate of the District, or Subordinate Magistrate of First Class.
491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind, or disease, and voluntarily omitting to do so.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for three months, or fine of two hundred rupees, or both.	Ditto.
492	Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and there voluntarily deserting the service or refusing to perform the duty.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one month, or fine of double the expense incurred, or both.	Ditto.

CHAPTER XX—OFFENCES RELATING TO MARRIAGE.

493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for ten years, and fine.	Court of Session.
494	Marrying again during the life-time of a husband or wife	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for seven years, and fine.	Ditto.

CHAPTE R XX—OFFENCES RELATING TO MARRIAGE—(*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for ten years, and fine.	Court of Session.
496	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, and fine.	Ditto.
497	Adultery.	Ditto ...	Ditto ...	Bailable ..	Imprisonment of either description for five years, or fine, or both.	Ditto.
498	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, or fine, or both.	Magistrate of the District.

CHAPTER XXI—OF DEFAMATION.

500	Defamation.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Simple imprisonment for two years, or fine, or both.	Court of Session, or Magistrate of the District.
501	Printing or engraving matter knowing it to be defamatory.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XXII—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

504	Insult intended to provoke a breach of the peace.	Shall not arrest without warrant.	Warrant ..	Bailable ...	Imprisonment of either description for two years, or fine, or both.	Any Magistrate.
505	False statement, rumours, &c., circulated with intent to cause mutiny or offences against the public peace.	Ditto ...	Ditto ...	Not bailable ...	Ditto	Magistrate of the District.
506	Criminal intimidation.	Ditto ...	Ditto ...	Bailable ...	Ditto	Magistrate of the District, or Subordinate Magistrate of First Class.
	If threat be to cause death or grievous hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for seven years, or fine, or both.	Court of Session, or Magistrate of the District.

507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for two years, in addition to the punishment under above section.	Ditto.
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District.
509	Uttering any word or making any gesture intended to insult the modesty of a woman.	Ditto ...	Ditto ..	Ditto ...	Simple imprisonment for one year, or fine, or both.	Ditto.
510	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for twenty-four hours, or fine of ten rupees, or both.	Any Magistrate.

CHAPTER XXIII—OF ATTEMPTS TO COMMIT OFFENCES.

511	Attempting to commit offences punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the Police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	Transportation or imprisonment not exceeding half of the longest term and of the description provided for the offence, or fine, or both.	By the Court by which the offence attempted is triable.

OFFENCES AGAINST OTHER LAWS.

	If punishable with death, transportation, or imprisonment for seven years or upwards.	May arrest without warrant.	Warrant ...	Not bailable ...	... ...	Court of Session.
	If punishable with imprisonment for more than three and less than seven years.	Ditto ...	Ditto ...	Ditto ...	.....	Court of Session, or Magistrate of the District.
	If punishable with imprisonment for three years or less than three years.	Shall not arrest without warrant.	Summons ...	Bailable ...	.....	Magistrate of the District, or Subordinate Magistrate of First Class.
	If punishable with fine only or with imprisonment for less than one year.	Ditto ...	Ditto ...	Ditto ...	.....	Any Magistrate.

STATEMENT OF OBJECTS AND REASONS.

The Commissioners appointed by Her Majesty to prepare a body of substantive law for India issued, on the 11th June 1870, a seventh Report relating to the revision of the Code of Criminal Procedure. After making some remarks on Act VIII of 1869, by which the Code was last year amended, the report proceeds to make observations upon certain points submitted for the opinion of the Commissioners by the Secretary of State for India. It adds certain other suggestions as to the improvement of the Code, and it concludes by the following observations :—

"We have endeavoured by this Report to complete the revision of the Code of Criminal Procedure in the manner which appears to have been contemplated by the local Government of India.

"We should not have adopted this method of executing the duty entrusted to us if Act VIII of 1869 had not been passed, but the existing state of the law, as altered by the provisions of that Act, has, in our opinion, rendered this the most expedient course.

"A short Act may be passed, embodying the required provisions on the points regarding which we have reported.

"In that case the original Code, XXV of 1861, with the Act VIII of 1869, and such new Act, would contain the whole law.

"Should it, however, be thought more convenient to consolidate the whole law of procedure in a single Act, this could be effected without difficulty by a process little more than mechanical."

A draft Bill has been prepared, founded upon this Report, but it was impossible to draw it without perceiving that partly by reason of the originally defective arrangement of the Code, and partly by reason of successive amendments made with little reference to its arrangement, the Code was so ill-arranged and obscure that it appeared highly desirable to take the opportunity of re-arranging it in an intelligible and consecutive manner. No doubt there is a strong *primâ facie* objection to the alteration of the arrangement of an Act of the first importance, with which most of those who have to administer it have become familiar by practice. The evil, however, is very serious, as the following account of the existing state of the Act will show.

The natural order of arrangement obviously is to follow the course of a criminal trial from the first steps for the apprehension of the offender to the execution of the final order of the Court, and to treat separately of exceptional incidents or detached subjects. To a certain extent this order has been followed in the Code as it stands, but deviations from it have been so frequent that it is extremely difficult for any one to derive from the mere perusal of the Code any connected view of the subject. To appreciate this fully the whole Code as it stands should be read; but some illustrations may be given.

The chapters relating to the prevention of offences, XVIII to XXII, are interposed between the chapters relating to proceedings before Magistrates and trials by the Court of Session. Chapter XVII, which precedes this parenthesis, provides that places where trials are to be held shall be open Courts, and chapter XXIII, which follows it, relates to Jurors and Assessors. Chapter XXIV, which relates to Judges in the Madras Presidency, is strangely prefixed to trials in the Court of Session (chapter XXVI). This is as strangely followed by a chapter (XXVII) about lunatics, the provisions as to the jurisdiction of the Sadr Courts being postponed. So that a student wishing to follow out the course of trial has to skip six chapters in order to learn what happens when a man is committed for trial, and then to skip a seventh chapter in order to learn about the course of appeal.

There is a chapter (III) on Preliminary Rules near the beginning, and another (XXXI) on General Rules at the end, which deal, utterly without any arrangement, with all sorts of subjects which ought to find a place of their own in the Act. Thus, section 43 in the Preliminary Rules provides that witnesses are to be examined on oath, and section 44 that the Court may apply portions of fine in compensation for damages. As for the General Rules, section 431 provides for the employment of interpreters; section 432 gives accused persons a right to be defended by counsel; and section 433 provides for the confinement of youths in reformatories.

The arrangement of the sections is as strange as that of the chapters. Thus, for instance—and it is only one instance—chapter XXIII, on Jurors and Assessors, is thus arranged: sections 322 and 323 prescribe the cases in which trials are to be by jury; section 324 relates to trials by assessors; sections 325-7 settle the composition of juries when Europeans or Americans are tried, and 328 the 'number of voices necessary to a verdict'. So far, the arrangement, though not good, is intelligible; but then come a series of provisions (329—340) about jury-lists, and

the attendance of jurymen; after which come provisions (341—8) about the trial, including objections by the accused or the prosecution, which obviously ought to have preceded section 328. Section 349, which is very long, goes back to summoning juries. Section 351 returns to the subject of majorities, which had been provided for in part by section 328. The confusion is so great that a person coming fresh to the subject would have to read the chapter over several times before it presented to his mind any clear notion.

Where a plan is followed, it is a bad one. Thus, proceedings before Magistrates are put together; but instead of beginning with the simplest (summons cases) and going on to the most serious (commitment cases), this order is inverted.

The most complicated case is put first and the simplest last, and the whole Code has, in consequence, to be disfigured by continual cross-references. Thus, for instance, the mode in which evidence is to be taken in all cases is prescribed in the chapter about commitments, and certain sections in that chapter are embodied by reference in three other chapters, consecutively, with variations.

It would be easy to multiply, to any extent, illustrations of the entire want of arrangement which disfigures the Code, but these are enough. This is not a mere matter of taste. It is of the very highest practical importance in the administration of justice that the course of proceedings prescribed should be easily apprehended as a whole, and that it should be capable of being learnt with the greatest possible ease by those who are to administer it. It must be remembered, in particular, that the Codes have an educational as well as a merely practical value. Judicial officers learn, and are meant to learn, their business in the first instance from the Codes themselves, and it is waste of valuable time to make them needlessly difficult and intricate.

The Code has accordingly been re-arranged, and the draft now published differs from the existing law principally in the fact that it has been so re-arranged.

The first leading distinction recognized in that draft is between those provisions which relate to—

(1) The trial of offenders;

(2) The prevention of the commission of crime or continuance of illegal conduct.

It is divided into eleven Parts, of which

nine relate to the punishment of crimes;

one to the prevention of crimes; and

one to miscellaneous matters.

The Parts relating to the punishment of crimes are as follows.

Part I deals with the jurisdiction of the Courts in four chapters. They regulate—

the ordinary jurisdiction of the Courts as to crimes (chapter 1):

the special jurisdiction with which Local Governments in their discretion may invest particular officers, especially Magistrates (chapter 2):

jurisdiction as it varies with respect to persons (chapter 3). This chapter includes all provisions relating to European British subjects, and to offenders liable to be tried for offences committed in Native States or elsewhere. The opportunity has been taken of repealing Act I of 1849, remodelling some of its provisions which are objectionable and even of questionable validity, and introducing the amended provisions in what would seem to be their proper place:

jurisdiction as it varies with respect to place, or, as an English lawyer would say, the law of venue (chapter 4):

Part II deals with proceedings of which the object is to compel the appearance of suspected persons. It contains five chapters upon the following subjects:—

a preliminary enquiry by the Police (chapter 1);

a complaint in order to the issue of a summons or warrant (chapter 2);

a summons in slight cases (chapter 3);

a warrant in cases of more importance (chapter 4);

arrest without warrant in cases in which delay would be dangerous (chapter 5).

Part III deals with the treatment of the suspected person, whose appearance has been secured by one of the modes prescribed in Part II.

It begins by laying down the general rules that in all Criminal Courts whatever, the accused may be defended by Counsel, and that the places where inquiries and trials are held are open Courts (chapter 1).

It then points out the method of procedure in cases dealt with in a summary way by Magistrates on summons (chapter 2),

or in cases of greater importance, upon warrant, or committed for trial to the Sessions (chapter 3).

As any of the proceedings described in chapters 2 or 3 may, under certain circumstances, be conducted by Subordinate Magistrates, chapter 4 lays down the rules which are to obtain on this subject.

chapter 5 deals with trials before the Court of Session:

chapter 6 states the duties of assessors and jurors in such trials.

Part IV carries on the subject of trial by prescribing the action of the High Courts upon the Courts of first instance. This may be secured either by the act of the party, or by the act of the law, or by the act of the Court. Accordingly

chapter 1 relates to appeals, which depend upon the party:

chapter 2 relates to reference in capital cases, which is a process prescribed by the law:

chapter 3 relates to revision, which is exercised by the High Court in its discretion. As revision is carried on by means of the inspection of returns, and with reference to rules of procedure laid down by the High Court, the sections which empower it to issue such rules and call for such returns are embodied in this chapter.

The ordinary process of inquiry, trial, and final confirmation or reversal of the sentence by the High Court being now complete, the next matter to be considered is the execution of the judgment of the Court.

Accordingly, Part V deals with execution. It prescribes the mode in which warrants to execute sentences are to be issued, and lays down rules as to the levy and application of fines; as to whipping, respecting which four sections have been transferred to this place from Act VI of 1864; as to the infliction of imprisonment; the confinement of young persons in reformatories, and the execution of sentences of transportation and death. Finally, it contains a section as to pardon by which punishments may be remitted.

Part VI relates to the subject of evidence, and includes in separate chapters provisions as to general rules of evidence, the mode of taking down the evidence of witnesses, and the examination of accused persons, summonses to witnesses, and search-warrants.

Part VII relates to proceedings incidental to the inquiry and trial, the ordinary course of which has been thus provided for. These are—

bail, the formation of lists of jurors and assessors, and their attendance.

These rules are necessary to enable trials to be held by the Courts of Session. A few miscellaneous rules, which regulate the mode of disposing of property taken by the Police, warrants of commitment, the allowance of expenses of witnesses, and the employment of interpreters are contained in Part VII, chapter 3.

These are the usual incidents of inquiry and trial; but a person under trial may be insane, or the orders of the Court may be disobeyed. Part VIII, on exceptional incidents, deals with these cases in chapter 1, which relates to lunatics, and chapter 2 which relates to contempts.

The manner of holding trials being now provided for, together with the common and exceptional processes incidental to them, the next subject is what, to borrow a phrase from English law, is called criminal pleading, that is to say, all that relates to written documents by which the questions to be tried are defined, and the result recorded.

These matters are regulated by Part IX.

chapter 1 relates to the charge or indictment;

chapter 2 to the finding, judgment, and sentence; and

chapter 3 to certain cases in which prosecutions cannot be instituted without the consent of specified persons. This completes that part of the Act which relates to the punishment of offences.

We come next to the provisions relating to the prevention of crime, which form the subject of Part X. They are—

security for keeping the peace (chapter 1);

security for good behaviour (chapter 2);

the abatement of nuisances (chapter 3);

settlement of questions about possession (chapter 4);

maintenance of wives and families (chapter 5).

Lastly, Part XI consists of three sections, prescribing the procedure in miscellaneous criminal cases and proceedings, and saving certain exceptional jurisdictions.

Only three important alterations have been made in the substance of the Code.

Firstly, section 47 confers summary jurisdiction on Full Power Magistrates in the Mofussil, who are also Justices of the Peace, over offences committed by European British subjects, on which a summons ordinarily issues in the first instance. It authorizes the infliction of a fine not exceeding rupees 500, and in default of payment, imprisonment for a term not exceeding two months. This is intended to replace 53 Geo. III cap. 155, section 105, Act VII of 1853, and Act XXV of 1861, section 42.

Secondly, section 176 (= section 226 of Act XXV) provides that where the accused is an European British subject, the committing Magistrate shall ask him whether he wishes to be tried by the High Court or the Court of Session. If the accused wishes to be tried by the High Court, he will be sent for trial accordingly. If he wishes to be tried by the Court of Session, the Magistrate will send the accused for trial to such one of these Courts as he thinks fit.

Thirdly, the provisions relating to the number of jurymen by whom a verdict may be given have been changed in accordance with the suggestion of the Commissioners. For the present cumbrous system, section 217 substitutes the simple rule that unanimity or a majority of not less than two-thirds with the concurrence of the Judge, shall be followed by conviction, and any other result by acquittal.

The following minor additions and alterations have been made:—

To section 17 (=section 21 of Act XXV) has been added a clause declaring that Justices of the Peace not being Magistrates shall be guided by the provisions of the Code.

Section 21 embodies Act XXIX of 1845, which gives power to appoint, in the Presidency of Bombay, Joint Sessions Judges.

Section 25 (= Act X of 1854, section 1) empowers Magistrates in charge of divisions of Districts in Bengal to receive and try certain charges unreferred.

Sections 39 and 40 (= Act XXVIII of 1867, sections 1 and 2) validates processes signed by certain Magistrates in Petty Sessions.

Sections 48 to 54 (inclusive), as to offences in Foreign States, embody, as above remarked, the provisions of Act I of 1849. But the new sections apply only to subjects of Her Majesty and to persons who within a year before or after the commission of the offence with which they are charged have dwelt for six months within British India, and the offence must have been committed within territory included in or adjacent to some part of British India.

Section 62 (=section 32 of Act XXV) provides expressly that enquiry into the offences of thuggee and dacoity may be made in any District in which the accused happens to be when charged or arrested.

In section 108 (=section 71 of Act XXV) words have been introduced to show how the summons should be served on the accused.

To section 137 (=section 100 of Act XXV) a clause has been added empowering the Police to arrest without warrant deserters from the army. This is now the law in the Bombay Presidency, but not, apparently, elsewhere in British India.

In section 172 (=the second sentence of section 250 of Act XXV) words have been introduced showing that the Magistrate must be competent to try the offence and think he ought to try it.

To section 209 (=section 346 of Act XXV) a clause has been added requiring in all cases the jurors to be sworn.

Section 266 provides for the case of a sentenced prisoner being ill or pregnant. The new clause is modelled on Bombay Regulation XIV of 1827, section 3, clause 2.

Section 292 empowers the Local Governments to direct the evidence of complainants to be taken down in the Magistrate's vernacular. The corresponding section (196) of Act XXV applies only to the evidence of witnesses.

In section 352 (=section 329 of Act XXV) power is given to the Local Government to appoint an officer (other than the Collector) to make out the list of jurors and assessors.

To section 449 (=section 301 of Act XXV), which provides that, in default of giving security for good behaviour, the defaulter shall be committed to prison, a clause has been added providing that the imprisonment may be rigorous or simple, as the Court of Session in each case directs.

To section 457 (=section 63 of Act XXV, as to injunctions against public nuisances) has been added a clause expressly barring appeals against orders under that section.

Section 465 (= section 315 of Act XXV) saves Bombay Act VIII of 1867, section 16.

Section 466 (= section 318 of Act XXV) is extended to cases in which the disputing parties are in joint possession.

Section 469 (= Bengal Regulation XI of 1824, sections 2 and 3) provides for making local inquiries in order to determine boundary-disputes.

Various minor changes in wording, &c., have been made. Chapter XXIV has been omitted as useless; and certain recommendations of the Indian Law Commissioners have been reserved for careful consideration in Committee.

SIMLA;
The 27th August 1870.

J. F. STEPHEN.

WHITLEY STOKES,
Secretary to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th December 1870, and was referred to a Select Committee with instructions to make their report thereon in a month :—

No. 34 OF 1870.

THE INDIAN PAPER CURRENCY BILL, 1870.

CONTENTS.

PREAMBLE.

Section. *I.—Preliminary.*

1. Short title.
   Local extent.
   Commencement.
2. Acts repealed.

II.—The Department of Issue.

3. Functions of Department of Issue.
4. Head Commissioner.
   Commissioners at Madras and Bombay.
5. Power to establish Circles of Issue.
6. Deputy Commissioners.
7. Subordination of Commissioners and Deputy Commissioners.
8. Appointment, suspension, and removal of officers.

III.—Supply and Issue of Notes.

9. Head Commissioner to provide and distribute notes.
   Notes where payable.
10. Signatures to notes.
11. Issue of notes for silver.
    Proviso.
12. Issue of notes for gold.
13. Expense of melting and assaying bullion received for notes.
    Loss of weight.
14. Certificates for bullion.
    Contents of certificate.
15. Notes where legal tender.

IV.—Reserve.

16. Bullion received for notes to be kept as a reserve.
    Except amount fixed as minimum limit of circulation.
17. Investment of such amount.
    Appropriation of coin, bullion and securities.
    Sale or exchange of bullion and foreign coin.
18. Trustees of securities purchased under Act.
19. Power to sell such securities.
    Power to replace them.
20. Interest on such securities to be entered in a separate account.
    "Profits of Notes Circulation."
    Annual account.

V.—Miscellaneous.

21. Monthly abstracts of accounts.
22. Description of notes in indictments.
23. Prohibition of issue of private bills or notes payable to bearer on demand.
    Exception in favour of cheques.
24. Penalty for issuing such bills or notes.
25. Supplementary powers of the Government of India.

A BILL TO CONSOLIDATE THE LAW RELATING TO THE GOVERNMENT PAPER CURRENCY.

Preamble.

WHEREAS it is expedient to consolidate the law relating to the Government Paper Currency; It is enacted as follows :—

I.—Preliminary.

Short title.

1. This Act may be called "The Indian Paper Currency Act, 1870."

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force on the passing thereof.

Acts repealed.

2. The Acts mentioned in the schedule hereto annexed are repealed.

All appointments made, rules prescribed, circles of issue established, notifications published, and notes issued under any such Act shall be deemed to be respectively made, prescribed, established, published and issued under this Act.

II.—The Department of Issue.

Functions of Department of Issue.

3. There shall continue to be a Department of the public service, to be called the Department of Issue, whose function shall be the issue of promissory notes of the Government of India payable to bearer on demand, for such sums, not being less than ten rupees, as the Governor General in Council from time to time directs.

Head Commissioner.

4. At the head of such Department shall be an officer called the Head Commissioner of the Department of Issue, and two other officers, called, respectively, the Commissioner

Commissioners at Madras and Bombay.

of the Department of Issue at Madras and the Commissioner of the Department of Issue at Bombay.

Power to establish Circles of Issue.

5. The Governor General in Council may from time to time, by order published in the *Gazette of India*,

establish Districts, to be called Circles of Issue, three of which circles shall include the Towns of Calcutta, Madras and Bombay, respectively,

appoint in each circle some one city or town to be the place of issue of notes, as hereinafter provided,

establish in such city or town an Office or Offices of Issue, and

declare that, for the purposes of this Act, any such city or town (other than Calcutta, Madras or Bombay) shall be deemed to be situate within such Presidency as is specified in the order.

Deputy Commissioners.

6. For each Circle of Issue other than those which include the Towns of Calcutta, Madras and Bombay, there shall be an officer called the Deputy Commissioner of Issue.

Subordination of Commissioners and Deputy Commissioners.

7. For the purposes of this Act, the Commissioners at Madras and Bombay shall be subordinate to the Head Commissioner :

the Deputy Commissioners in the Presidency of Fort William in Bengal shall be subordinate to the Head Commissioner; and

the Deputy Commissioners in the Presidencies of Fort St. George and Bombay shall be subordinate to the Commissioners of Madras and Bombay, respectively.

Appointment, suspension, and removal of officers.

8. All officers under this Act shall be appointed, and may be suspended or removed, by the Governor General in Council.

III.—Supply and Issue of Notes.

Head Commissioner to provide and distribute notes.

9. The Head Commissioner of Issue shall provide promissory notes of the Government of India payable to bearer on demand, of the denominations prescribed under this Act, and shall supply the Commissioners at Madras and Bombay, and the several Deputy Commissioners with such notes as they require for the purposes of this Act.

Notes where payable.

All such notes shall bear upon them the name of the city or town from which they are severally issued, and shall be payable only—

at the Office or Offices of Issue of such city or town, and

at the presidency town of the Presidency within which such city or town is situate.

Signatures to notes.

10. The name of the Head Commissioner, of either of the Commissioners, of a Deputy Commissioner, or of some other person authorized by the said Head Commissioner, or by either of the said Commissioners, to sign notes issued under this Act, shall be subscribed to every such note, and may be impressed thereon by machinery.

Names so impressed shall be taken to be valid signatures to all intents and purposes.

Issue of notes for silver.

11. The Head Commissioner, the Commissioners, and the Deputy Commissioners shall, in their respective Circles of Issue, on the demand of any person, issue from the Office or Offices of Issue established in their respective Circles, promissory notes of the denominations prescribed under this Act, on the terms following :—

First, in exchange for the amount thereof in current silver coin of the Government of India; or,

Secondly, in exchange for the amount thereof in silver bullion or foreign silver coin at the rate of nine hundred and seventy-nine rupees per thousand tolas of silver fit for coinage and of the standard fineness prescribed by the Indian Coinage Act, 1870 :

Provided that in all places where there is no Mint of the Government of India, any such Head Commissioner, Commissioners, and Deputy Commissioners, may refuse to issue notes in exchange for silver bullion or foreign coin under this section.

Proviso.

12. The Governor General in Council may from time to time, by order published in the *Gazette of India*, direct that notes to an extent to be specified in the order, not exceeding one-fourth of the total amount of issues represented by coin and bullion as herein provided, shall be issued at such Offices of Issue as are named in the order, in exchange for gold coin of full weight of the Government of India or for foreign gold coin or gold bullion, at the rates and according to the rules and conditions fixed by such order.

Issue of notes for gold.

13. The Head Commissioner, Commissioners, and Deputy Commissioners may require any bullion or foreign coin received under section eleven or section twelve, to be melted and assayed. Any loss of weight caused by such melting or assay shall be borne by the person tendering the bullion or coin.

Expense of melting and assaying bullion received for notes.

Loss of weight.

14. Every person so tendering bullion or foreign coin and depositing it in any Office of Issue shall, after the expiration of the time necessary for melting and assaying the same, be entitled to receive therefor a certificate signed by the person authorized to issue the notes aforesaid.

Certificate for bullion.

Such certificate shall—

Contents of certificate.

(*a*) acknowledge the receipt of such bullion or foreign coin,

(*b*) state the amount of promissory notes of the Government of India, or of such notes and cash, to which the holder is entitled in exchange for such bullion or coin,

(*c*) state the interval on the expiration of which, if the certificate be presented to such office, the holder shall be entitled to receive such amount.

15. Within any of the said Circles of Issue a note issued under this Act from any Office of Issue in such Circle, shall be a legal tender to the amount expressed in such note, in payment or on account of—

Notes where legal tender.

any revenue or other claim to the amount of ten rupees and upwards due to the Government of India,

any sum of ten rupees and upwards due by the Government of India, or by any body corporate or person in British India:

Provided that no such note shall be deemed to be a legal tender by the Government of India at any Office of Issue.

IV.—Reserve.

16. The whole amount of the coin and bullion received under this Act for notes shall be retained and secured as a reserve to pay such notes, with the exception of such an amount, not exceeding sixty millions of rupees, as the Governor General in Council, with the consent of the Secretary of State for India, from time to time fixes.

Bullion received for notes to be kept as a reserve.

Except amount fixed as minimum limit of circulation.

17. The amount so fixed shall be published in the *Gazette of India* and the whole or such part thereof as the Governor General in Council from time to time fixes shall be invested in securities of the Government of India: the said coin, bullion, and securities shall be appropriated and set apart to provide for the satisfaction and discharge of the said notes; and the said notes shall be deemed to have been issued on the security of the coin, bullion, and securities so appropriated and set apart, as well as on the general credit of the Government:

Investment of such amount.

Appropriation of coin, bullion, and securities.

Provided that any silver bullion or foreign coin received under this Act may be sold or exchanged for silver coin of the Government of India, and that any gold coin or bullion received under this Act may be sold or exchanged for silver coin or bullion to be so appropriated and set apart instead of the gold coin or bullion.

Sale or exchange of bullion and foreign coin.

For the purposes of this section, silver bullion and coin shall be rated at ninety-eight rupees per hundred tolas, and gold bullion and coin at the rates fixed by the Governor General in Council under section twelve.

18. The Government securities so purchased shall be held by the Head Commissioner and the Master of the Mint at Calcutta, in trust for the Secretary of State for India in Council.

Trustees of securities purchased under Act.

19. The Head Commissioner may, at any time when ordered so to do by the Governor General in Council, sell and dispose of any portion of the above-mentioned limited amount of Government securities.

Power to sell such securities.

For the purpose of effecting such sales, the Master of the Mint at Calcutta shall, on a request in writing from the Head Commissioner, at all times sign and endorse such Government securities, and the said Head Commissioner, if so directed by the Governor General of India in Council, may purchase Government Securities to replace such sales.

Power to replace them.

20. The interest accruing due on the securities purchased and held under this Act shall be entered in a separate account, to be annually rendered by the Head Commissioner to the Governor General in Council.

Interest on such securities to be entered in a separate account.

The amount of such interest shall from time to time, as it becomes due, be paid to the credit of the Government of India, under the head of "Profits of Notes Circulation," and an account showing the amount of such profits and of the charges and expenses incidental thereto, shall be made up and published annually in the *Gazette of India*.

"Profits of Notes Circulation."

Annual account.

V.—Miscellaneous.

21. An abstract of the accounts of the Department of Issue showing—

Monthly abstracts of accounts.

the whole amount of notes in circulation,

the amount of coin and bullion reserved, distinguishing gold from silver, and

the amount of the Government Securities held by the said Department,

shall be made up monthly in Calcutta, and published as soon as may be in the *Gazette of India*.

22. All notes issued under this Act shall be deemed to be promissory notes of the Government of India, and may be described as promissory notes of the Government of India in all indictments, and in criminal and civil proceedings.

Description of notes in indictments.

23. No body corporate or person in British India shall draw, accept, make or issue any bill of exchange, hundí, promissory note or engagement for the payment of money payable to bearer on demand, or borrow, owe, or take up any sum or sums of money on the bills, hundís or notes payable to bearer on demand, of any such body corporate or of any such person:

Prohibition of issue of private bills or notes payable to bearer on demand.

Provided that cheques or drafts payable to bearer on demand or otherwise, may be drawn on bankers, shroffs, or agents, by their customers or constituents, in respect of deposits of money in the hands of such bankers, shroffs, or agents, and held by them at the credit and disposal of the persons drawing such cheques or drafts.

Exception in favour of cheques.

24. Any body corporate or person committing any offence under section twenty-three shall, on conviction before a Magistrate, be liable to a penalty to the amount of the bill, hundí, note or engagement in respect whereof the offence is committed.

Penalty for issuing such bills or notes.

Every prosecution under this section shall be instituted by the Head Commissioner, Commissioner, or Deputy Commissioner, as the case may be, of the Circle of Issue in which such bill, hundí, note or engagement is drawn, accepted, made or issued.

Supplementary Powers.

25. The Governor General in Council may from time to time, by notification in the *Gazette of India*—

Supplementary powers of the Government of India.

(1) fix the amounts (not being less than ten rupees) for which notes shall be issued under this Act,

(2) alter the limits of any of the said Circles of Issue,

(3) declare the places at which notes shall be issued under this Act,

(4) fix the rates, rules and conditions at and according to which gold may be taken in exchange for Government promissory notes,

(5) fix the charge for melting and assaying bullion and foreign coin received for Government promissory notes,

(6) fix the interval on the expiration of which holders of certificates under section fourteen shall be entitled to receive Government promissory notes,

(7) regulate any matters relative to Paper Currency which are not provided for by this Act,

(8) revoke or alter any notification previously made under this Act.

Every such notification shall come into force on the day therein in that behalf mentioned, and shall have effect as if it were enacted in this Act:

Provided that no notification under clause four of this section shall have effect until six months have elapsed from the date of its appearance in the *Gazette of India*.

SCHEDULE.

Number and year of Act.	Title.
XIX of 1861 ...	An Act to provide for a Government Paper Currency.
XXIV of 1861 ...	An Act to enable the Banks of Bengal, Madras and Bombay to enter into arrangements with the Government for managing the issue, payment and exchange of Government Currency Notes and certain business hitherto transacted by the Government Treasuries.
I of 1866 ...	An Act to amend Act XIX of 1861 (*to provide for a Government Paper Currency.*)
XXX of 1867 ...	An Act to amend Act XIX of 1861 (*to provide for a Government Paper Currency.*)
XV of 1870 ...	An Act for the further amendment of Act No. XIX of 1861.

STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to consolidate the law relating to the Government Paper Currency, which is now contained in four Acts, XIX of 1861, I of 1866, XXX of 1867, and XV of 1870. The opportunity has been taken to repeal the obsolete Act XXIV of 1861, and to improve the arrangement and wording of the existing law.

R. TEMPLE.

The 19th November 1870.

WHITLEY STOKES,
Secy. to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th December 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 35 OF 1870.

EMIGRATION OF NATIVE LABOURERS' BILL.

CONTENTS.

PREAMBLE.

I.—Preliminary.

SECTIONS.

1. Short title.
   Local extent.
   Commencement of Act.
2. Acts repealed.
3. Interpretation-clause.

II.—Emigration Agents.

4. Appointment of Emigration Agents.
5. Remuneration of Agents.

III.—Protectors of Emigrants and Medical Inspectors.

6. Appointment of Protectors of Emigrants.
7. No Protector to hold other office without permission.
8. General duties of Protectors of Emigrants.
   Inspecting vessels with return Emigrants.
9. Appointment of Medical Inspector.
10. Depôts to be established in Calcutta, Madras and Bombay.
11. Licensing of depôts.
12. Inspection by Protector and Medical Inspector.
13. Report to be made by Medical Inspector.
14. Protectors and Medical Inspectors to be deemed public servants.
15. And to have facilities for inspections, &c.

IV.—Recruiters of Labourers.

16. Protector of Emigrants to license Recruiters.
17. Recruiter's license.
18. Duration and cancelment of license.
19. Form of license, and fee therefor.
20. Recruiter to wear badge.
21. Countersignature of recruiter's license.

V.—Contracts with Emigrant Labourers.

22. Contracts for labour out of India unlawful, except under this Act.
23. Places for emigration to which contracts may be made with Natives.
24. Power to legalize emigration to other places.
    Proviso.
25. Contracts may be made for emigration to such other places.
26. From what ports emigration lawful.

VI.—Registration of Emigrants.

27. Natives engaging to emigrate to appear before Magistrate.
    Examination and registration.
28. Copy of registration to be sent to Emigration Agent and Protector.
29. Registration of Emigrants recruited in presidency towns.
30. Copy of registration by Protector to be forwarded to Agent.
31. Fee for registration.

VII.—Conveyance of Emigrants to Depôts.

32. Conveyance of Emigrant to depôt.
    Emigrants to be accompanied by Recruiter.
    Recruiter to provide suitable food and lodging.

VIII.—Arrival at Depôts and Procedure thereon.

33. Arrival at depôt to be reported.
34. Copy of registration to be shewn to Medical Inspector.
    Emigrants to be inspected by him.

SECTIONS.

35. When emigrant to be sent back to place of registration.
36. Failure of Emigration Agent to pay sum required to enable Emigrant to return.
37. Duty of Emigration Agent.
    Refusal of Agent, without consent of Protector, to be bound by contract made by Recruiter.
    Suit against Emigration Agent.
38. After examination and Medical Inspector's certificate, Emigration Agent to grant a pass.
39. Protector of Emigrants to attend personally at examination and passing.
    And to countersign pass.

IX.—Emigrant Vessels.

40. Emigrant not to be received on board an unlicensed ship.
    Application for license.
    Contents of license.
    Survey of vessel.
    Report after survey, and certificate to Master.
    Bond to be executed by Master.
41. Space and accommodation required on board Emigrant ships.
42. Provisions, fuel and water.
    Surgeon, medicines and stores.
    Supply of water for vessel destined to call at intermediate port.
    Supply in vessel fitted with distilling apparatus.
    Protector and Inspector of Emigrants to ensure compliance with above provisions.
43. Supply of extra clothing.
44. Certificates from Protector of Emigrants and from Emigration Agent.

X.—Embarkation.

45. Emigrants refusing to embark.
    Proviso.
46. Time of sailing for places east of Cape of Good Hope.
    For other places.
47. Emigrant unfit to undertake voyage.
48. Provisions of Act to be explained.
49. Procedure on embarkation.
    Emigrant to give his pass to Master.
    Protector to be personally present.
    One copy of list of Emigrants given to Protector, to be signed and returned to Master.
    Emigrant not having pass not to be allowed to remain on board.
    Pass to be returned to Emigrant on arrival at place of destination.
50. Copy of list of Emigrants to be signed by Emigration Agent and returned to Master.
    And by him to be delivered at place of destination.
51. Protector to send list of Emigrants to Government of place to which they sail.
52. Vessel sailing from Calcutta to depart within twenty-four hours of embarkation.
53. Vessels sailing from Calcutta to be towed to sea.
54. Copies of Act and rules to be kept on board.
55. Taking Emigrants for Seychelles to quarantine-station of Mauritius.

XI.—Supplementary Powers.

56. Power of the Governor General in Council to make rules.
57. Power to prohibit emigration to any place to which emigration is allowed.
58. Emigration to place mentioned to be suspended.
59. During suspension, laws against emigration to be in force as to place specified.
60. Revocation of suspension.
61. Power to prohibit emigration.
62. Power to increase fees.

XII.—Special Provisions as to French Colonies.

63. Nomination of Agents for Calcutta, Madras and Bombay.
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64. Powers of Agents.
65. Operations of recruitment.
66. Protector of Emigrants.
67. Contracts of service, with certain exceptions, to be made in India.
    Effect of contract.
68. Matters to be provided for in contract.
69. Power to extend Act to French Colonies not expressly named.
70. Emigrant vessel to carry an European Surgeon and an Interpreter.

XIII.—Penalties.

71. For making unlawful contract of labour.
72. For recruiting without being licensed.

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73. For Recruiter failing to take engaged labourers before Magistrate or Protector.
For fraudulently inducing labourer to contract.
For not supplying proper food.
For not taking labourer to depôt.
74. For forwarding labourers, or allowing them to go, without being duly registered.
75. For false representation of Government authority.
76. For receiving Emigrants in an unlicensed vessel.
77. For clearing ship without complying with rules.
78. For taking on board after clearance, Emigrants not entered in list.
79. For fraudulent acts whereby certificate becomes inapplicable to vessel.
80. For proceeding to sea without steam.
81. Customs officers may search and detain for purposes of this Act.
82. Prosecutions under this Act where and how instituted.
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83. Probable length of voyages to places mentioned in section 23.
84. Notification legalizing emigration to new place to give probable length of voyages thither.
85. Exercise of powers of Magistrate of the District under this Act.
86. Act and rules made under it not to apply to certain vessels.

First Schedule. (Acts repealed.)
Second Schedule. (Form of Recruiter's license.)
Third Schedule. (Convention as to emigration to French Colonies.)

A BILL TO CONSOLIDATE THE LAWS RELATING TO THE EMIGRATION OF NATIVE LABOURERS.

Preamble.

WHEREAS it is expedient to consolidate the laws relating to the Emigration of Native Labourers; It is hereby enacted as follows:—

I.—Preliminary.

Short title.

1. This Act may be called "The Indian Emigration Act, 1871."

Local extent.

It extends to the whole of British India;

Commencement of Act.

And it shall come into force on the passing thereof.

Acts repealed.

2. The Acts mentioned in the first schedule hereto annexed are repealed.

All contracts entered into, appointments made, and licenses granted, under any of the said Acts, shall be deemed to be respectively entered into, made and granted under this Act.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context:—

"Emigrate." "Emigrant."

The word "Emigrate" denotes the departure of any Native of India out of British India for the purpose of labouring for hire in some other place; and the word "Emigrant" shall denote any Native of India under engagement to emigrate:

"The Magistrate of the District."

The words "the Magistrate of the District" denote any officer exercising in such District the full powers of a Magistrate:

"Vessel."

The word "vessel" includes anything made for the conveyance by water of human beings or property.

II.—Emigration Agents.

Appointment of Emigration Agents.

4. The Government of every place to which emigration is lawful under this Act may, from time to time, appoint a person to act as Emigration Agent in Calcutta, Madras and Bombay respectively, but such nomination shall be subject to the approval of the Local Government.

Every Emigration Agent may be suspended or removed by the Government which appointed him.

Remuneration of Agents.

5. The remuneration to be given to Emigration Agents shall not depend upon, or be regulated by, the number of Emigrants sent by such Agents, but shall be in the nature of a fixed annual salary.

III.—Protectors of Emigrants and Medical Inspectors.

Appointment of Protectors of Emigrants.

6. The Local Government may appoint a proper person to act as Protector of Emigrants at each of the three ports aforesaid, and may with the sanction of the Governor General of India in Council assign to such person such salary and establishment as shall be deemed proper.

Every Protector of Emigrants may be suspended or removed by the Local Government to which he is subordinate.

No Protector to hold other office without permission.

7. No Protector of Emigrants appointed under this Act shall, except with the permission of the Local Government, hold any other office under Government, or follow any other profession or occupation.

General duties of Protectors of Emigrants.

8. Every Protector of Emigrants, in addition to any special duties assigned to him by this Act, shall, so far as is in his power, generally protect and aid with his advice or otherwise all Emigrants, and shall cause all the provisions of this Act to be duly complied with.

He shall also inspect on arrival all vessels bringing return Emigrants to the port at which he is Protector, and enquire into the treatment received by such Emigrants both during the period of their service in the place to which they emigrated and also during the voyage, and shall make a report thereon to the Local Government,

Inspecting vessels with return Emigrants.

and he shall aid and advise such return Emigrants so far as he reasonably can when called upon by them to do so.

Appointment of Medical Inspector.

9. At each of the three ports aforesaid, the Local Government may appoint a competent person to be Medical Inspector of Emigrants; and may, with the sanction of the Governor General of India in Council, assign to the Medical Inspector so appointed such salary as is deemed proper.

Depôts to be established in Calcutta, Madras and Bombay.

10. In each of the Towns of Calcutta, Madras and Bombay, or in the suburbs of those Towns, the Emigration Agent of every place to which emigration is lawful under this Act, shall establish a suitable depôt for the persons engaged as labourers for such place.

Licensing of depôts.

11. Every depôt shall be licensed by the Protector of Emigrants, after being inspected and approved of by him and by the Medical Inspector of Emigrants.

No license shall be in force for a longer period than a year, and any license may be cancelled by the Protector of Emigrants if he considers that the depôt for which it was granted is unhealthy or in any respect has become unsuitable for the purpose for which the depôt was established.

For every license granted under this section there shall be paid to the Protector a fee of fifteen rupees.

Inspection by Protector and Medical Inspector.

12. Every Protector of Emigrants and every Medical Inspector of Emigrants shall from time to time, and at least once in every week, inspect the Emigrants in the various depôts for the reception of Emigrants about to embark from the port at which they are Protector and Medical Inspector respectively, and examine into the state of the depôts, and the manner in which the Emigrants are therein lodged, fed, clothed and otherwise provided for and attended to.

Report to be made by Medical Inspector.

13. The Medical Inspector shall report to the Protector of Emigrants any circumstance which may come to his knowledge, showing that the depôt is not suitable for its purpose, or that the Emigrants are treated with any neglect or oppression.

Protectors and Medical Inspectors to be public servants.

14. Every Protector of Emigrants and every Medical Inspector of Emigrants shall be a public servant within the meaning of the Indian Penal Code.

And to have facilities for inspections, &c.

15. Every Emigration Agent, and all persons in charge of or employed in any depôt, or in any vessel licensed to carry Emigrants as hereinafter provided, shall give the Protector and the Medical Inspector every facility for making such inspections, examinations and surveys as may be necessary or proper under this Act, and shall afford them all such information as may be reasonably required by them.

IV.—Recruiters of Labourers.

Protector of Emigrants to license Recruiters.

16. The Protector of Emigrants at each of the three ports aforesaid, and the British Consular Agent at each of the French ports in India, shall license so many fit persons as to him seems necessary, to be Recruiters of labourers,

and no person shall act or be employed as a Recruiter of labourers except under a license from a Protector of Emigrants or British Consular Agent.

Recruiter's license.

17. Every Recruiter shall be licensed to obtain labourers for some particular place to which emigration is lawful under this Act, and no license to obtain labourers for any place shall be granted except on the application of the Emigration Agent of such place.

Duration and cancelment of license.

18. No license shall be in force for a longer period than one year; and in case of misconduct on the part of any Recruiter, the Protector of Emigrants may cancel his license before the expiration of the period for which it was granted.

Form of license, and fee to be paid.

19. Every license shall be in the form set forth in the second schedule hereto annexed.

For every license there shall be paid to the Protector a fee of fifteen rupees.

Recruiter to wear badge.

20. Every person holding a license as a Recruiter of labourers shall wear a badge bearing the following inscription in English and in the vernacular language of the Town, District or Districts in which he is licensed to engage labourers:—"Recruiter of Emigrants for the Mauritius" *(or other place as the case may be)*.

Countersignature of Recruiter's license.

21. No Recruiter shall engage or attempt to engage labourers in any District or in the Towns of Calcutta, Madras or Bombay, without having first exhibited his license to the Magistrate of such District, or a Magistrate of such Town, and obtained the countersignature of such Magistrate thereupon.

Such countersignature shall be given, provided that the license is in force at the time.

V.—Contracts with Emigrant Labourers.

Contracts for labour out of India unlawful, except under this Act.

22. Except under and in conformity with the provisions of this Act, it shall not be lawful to make any contract with any Native of India for labour to be performed in any place beyond British India, or to enable any Native of India to emigrate, or to assist any Native of India in emigrating:

provided that nothing in this Act shall apply—

to any contract with any Native of India for labour to be performed in any Foreign Settlement on the mainland of India or in any Native State in India;

to emigration to any such Settlement or State;

to any contract for labour to be performed in, or to emigration to, the Island of Ceylon; or

to any contract with or the emigration of any Native seaman or other person who of his

own free will contracts to navigate or serve on board of any vessel or who embarks on board such vessel in pursuance of such contract, or any person who contracts to serve as a menial servant only, and who embarks as such menial servant.

Places for emigration to which contracts may be made with Natives.

23. Contracts may be made with Natives of India to emigrate—

to any of the British Colonies of Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, Natal, St. Kitts and Seychelles;

to any of the French Colonies of Réunion, Martinique, Guadeloupe and its dependencies, and Guiana,

and to the Danish Colony of St. Croix;

and it shall be lawful to enable or assist any Native of India to emigrate to any such Colony.

Power to legalize emigration to other places.

24. The Governor General in Council may, from time to time, by notification published in the *Gazette of India*, declare that the emigration of Natives of India shall be lawful to any place other than the places mentioned in section twenty-three:

Proviso.

provided that every such notification contain also a declaration, that the Governor General in Council has been duly certified that the Government of the place to which the notification refers has made such laws and other provisions as the Governor General in Council thinks sufficient for the protection of Natives of India emigrating to such place.

Contracts may be made for emigration to such other places.

25. From the date of any such notification contracts may be made with any Native of India for labour to be performed in any place to which emigration is authorized in the notification, and it shall be lawful to enable or assist any Native of India to emigrate to such place;

but all contracts and emigration under such notification shall be made and conducted subject to the provisions of this Act.

From what ports emigration lawful.

26. Emigration shall not be lawful except from the port of Calcutta, the port of Madras or the port of Bombay.

VI.—Registration of Emigrants.

Natives engaging to emigrate to appear before Magistrate.

27. Every Native of India, who in any place other than the Towns of Calcutta, Madras or Bombay, enters into any engagement with a Recruiter to emigrate, shall, before leaving the District within which the engagement was entered into, appear with the Recruiter before the Magistrate of such District, and no Recruiter shall remove such Emigrant from the said District until he has so appeared.

Examination and registration.

Upon so appearing, the Magistrate shall examine the intending Emigrant with reference to his engagement; and if it appears that he understands the nature of the engagement he has entered into and that he is willing to fulfil the same, the Magistrate shall register in a book to be kept for the purpose, in such form as the Local Government prescribes,

(*a*) the name, name of the father, and the age, of such Emigrant,

(*b*) the name of the village or place of which such Emigrant is a resident,

(*c*) the Emigration depôt to which it is intended he shall proceed, and

(*d*) the rate of wages and period of service, if any, agreed upon between the Emigrant and the Recruiter.

If the Magistrate thinks that the intending Emigrant does not understand the nature of the engagement, or has been induced to enter into the engagement by fraud or misrepresentation, he shall refuse to register his name.

A copy of every registration under this section, written on substantial paper which shall not require a stamp, shall be furnished by the Magistrate to the Emigrant registered.

Copy of registration to be sent to Emigration Agent and Protector.

28. Authentic copies of every such registration shall be forthwith forwarded by the Magistrate to the Emigration Agent at the depôt to which the person named therein has been engaged to proceed, and to the Protector of Emigrants at the intended port of embarkation.

Registration of Emigrants recruited in presidency towns.

29. Every Native of India, who in the towns of Calcutta, Madras or Bombay, enters into any engagement with a Recruiter to emigrate, shall, within forty-eight hours of making such engagement, appear with the Recruiter before the Protector of Emigrants in such town; and no Recruiter shall remove such Emigrant from the said town, or to any Emigration depôt, until he has so appeared.

Upon his so appearing, the Protector of Emigrants shall examine the intending Emigrant with reference to his engagement; and if it appears that he understands the nature of the engagement he has entered into, and that he is willing to fulfil the same, the Protector of Emigrants shall register in a book to be kept for the purpose, in such form as the Local Government prescribes,

(*a*) the name, the name of the father, and the age of such Emigrant,

(*b*) the name of the village or place of which such Emigrant is a resident,

(*c*) the Emigration depôt to which it is intended he shall proceed, and

(*d*) the rate of wages and period of service, if any, agreed upon between the Emigrant and the Recruiter.

If the Protector of Emigrants thinks that the intending Emigrant does not understand the nature of the engagement, or has been induced to enter into the engagement by fraud or misrepresentation, he shall refuse to register his name.

A copy of every registration under this section, written on substantial paper which shall not require a stamp, shall be furnished by the Protector to the Emigrant registered.

Copy of registration by Protector to be forwarded to Agent.

30. An authentic copy of every such registration shall be forthwith forwarded by the Protector to the Emigration Agent of the place for which the person named therein has been engaged.

Fee for registration by Protector.

31. For the registration of every Emigrant under section twenty-seven or twenty-nine, the Recruiter shall pay to the Magistrate or the Protector of Emigrants, as the case may be, a fee of one rupee and eight annas.

On proof of the desertion of any Emigrant before embarkation, the fee paid in respect of such Emigrant may be refunded by the Magistrate or the Protector to the Recruiter by whom it was paid, under such rules as are from time to time made in that behalf by the Governor General of India in Council.

VII.—Conveyance of Emigrants to Depôts.

Conveyance of Emigrant to depôt.

32. (1.) Every Emigrant recruited under the provisions of this Act shall be conveyed by land or river with all convenient despatch to the depôt, at the port of embarkation, established by the Emigration Agent of the place to which such Emigrant has contracted to emigrate.

Emigrants to be accompanied by Recruiter.

(2.) The registered Emigrants engaged by any Recruiter shall, while proceeding to a depôt, be accompanied throughout the journey either by the Recruiter himself or by a competent person appointed by him with the approval of the Magistrate by whom the Emigrants have been registered. The Magistrate shall give to the person so appointed a certificate under his signature, stating that he has been appointed for the journey to the depôt.

Recruiter to provide suitable food and lodging.

(3.) Every Recruiter by or through whom Emigrants may be forwarded to a depôt shall, throughout their journey, provide them with suitable lodging and food.

VIII.—Arrival at Depôts and Procedure thereon.

Arrival at depôt to be reported.

33. The arrival of each Emigrant at a depôt shall immediately be reported by the person in charge of the depôt to the Emigration Agent, and by such Agent to the Protector of Emigrants.

Copy of registration to be shewn to Medical Inspector.

34. The copy of the registration of every Emigrant, received by the Emigration Agent from the Magistrate or from the Protector of Emigrants, shall as soon as conveniently may be after the arrival of the Emigrant be shewn to the Medical Inspector of Emigrants; and the Emigrant shall be examined by the Medical Inspector to ascertain if he is in a fit state of health to emigrate to the place to which he has contracted to proceed.

Emigrants to be inspected by him.

The Medical Inspector, if satisfied of his fitness, shall give a certificate thereof to the Emigration Agent: if satisfied of his unfitness, he shall give a certificate thereof to the Protector of Emigrants.

When emigrant to be sent back to place of registration.

35. If the Medical Inspector certifies that any Emigrant is not in a fit state of health to emigrate to the place to which he has contracted to proceed,

or if any irregularity has occurred in the recruitment of any Emigrant,

the Protector of Emigrants may order the Emigration Agent in whose depôt such Emigrant may be, forthwith to pay to him, the Protector of Emigrants, such reasonable sum as is necessary to enable the labourer to return to the place where he was registered, and the Protector may take any steps he thinks necessary for the conveyance of the labourer to such place.

Failure of Emigration Agent to pay sum required to enable emigrant to return.

36. On failure of the Emigration Agent for twenty-four hours to comply with an order of the Protector for the payment of any such sum, the Protector may pay the same to or on behalf of the Emigrant.

Every sum so disbursed shall be recoverable by the Protector, with six per cent. interest from the date of disbursement, from the Emigration Agent on whose default it is paid, as money paid to the use of such Emigration Agent.

No further proof shall be required by any Court in any such case than that the Protector gave the Emigration Agent an order to pay such money, and that the Emigration Agent for a space of twenty-four hours made default in complying therewith.

Provided that every Emigrant who, from his state of health, is, in the opinion of the Medical Inspector, unfit to undertake the journey back to the place where he was registered, shall, in addition to his being conveyed back at the expense of the Emigration Agent, be entitled to continue in the depôt and to be fed, clothed, lodged and attended to there, by and at the expense of the Emigration Agent, until such time as the Protector otherwise orders.

Duty of Emigration Agent.

37. The Emigration Agent, in the presence of the Protector of Emigrants and within forty-eight hours after the arrival of each Emigrant at the depôt, shall ascertain by personal communication with such Emigrant whether or not he has been properly fed and otherwise properly treated on his journey to the depôt.

The Emigration Agent shall also, in the presence of the Protector and within such time as aforesaid, examine the copy of the registration furnished to the Emigrant under section twenty-seven or section twenty-nine. If for any reason further enquiry be necessary, such enquiry shall be made forthwith.

Unless the Emigration Agent, with the consent of the Protector, refuses to recognize or to be bound by the contract entered into by the Recruiter with the Emigrant, as shown by the copy of the registration produced by the Emigrant, such copy, if it be a copy furnished under section twenty-seven, shall be countersigned by both the Emigration Agent and the Protector, and if it be a copy furnished under section twenty-nine shall be countersigned by the Emigration Agent alone. The copy so countersigned, under whichever section it may have been furnished, shall be delivered back to the Emigrant.

If the Emigration Agent, without the consent of the Protector, refuses to be bound by the contract entered into by the Recruiter with the Emigrant, the Protector may thereupon order the Emigration Agent forthwith to pay to him, the Protector of Emigrants, such reasonable sum as is necessary to enable the Emigrant to return to the place where he was registered. On failure of the Emigration Agent to pay such sum within twenty-four hours of his being ordered so to do, the Protector may pay the same to or on behalf of the Emigrant. All the provisions of section thirty-six as to sums paid by the Protector shall apply, so far as the circumstances of the case permit, to sums paid by him under this section.

Refusal of Agent, without consent of Protector, to be bound by contract made by Recruiter.

The Protector shall also, in every case in which it seems to him proper to do so, institute a suit on behalf of the Emigrant against the Emigration Agent, for the recovery of damages for the breach of contract committed by the Emigration Agent.

Suits against Emigration Agent.

In every such suit, the contract entered into by the Recruiter shall be deemed to have been entered into by and to be binding on the Emigration Agent.

38. After the examination mentioned in section thirty-seven, and if the Medical Inspector has given a certificate of the fitness of the Emigrant to emigrate, the Emigration Agent shall deliver to the Emigrant a pass, countersigned by the Protector of Emigrants as hereinafter provided, stating the name and the age of the Emigrant and the name of his father, and certifying that he is in a fit state of health to emigrate to the place to which he has contracted to go.

After examination and Medical Inspector's certificate, Emigration Agent to grant a pass.

39. The Protector of Emigrants shall attend personally at the examination and passing of Emigrants by the Emigration Agent under sections thirty-seven and thirty-eight, and shall see that the Emigration Agent makes all such enquiries of the Emigrants as it may be his duty to make.

Protector of Emigrants to attend personally at examination and passing.

If such Protector is satisfied with such enquiries, but not otherwise, he shall countersign the pass delivered by the Emigration Agent.

And to countersign pass.

IX.—Emigrant Vessels.

40. (1.) It shall not be lawful to receive any Emigrant on board any vessel unless a license to carry Emigrants in such vessel has been obtained from the Local Government. The granting or withholding any such license shall be in the discretion of the Local Government.

Emigrant not to be received on board an unlicensed ship.

(2.) The Master or owner of any vessel who desires to obtain a license to carry Emigrants in such vessel, shall apply in writing through the Protector of Emigrants to the Local Government for such license.

Application for license.

(3.) Every such application shall state the number of men, women, and children proposed to be carried, and the tonnage and other particulars respecting the vessel.

Contents of license.

(4.) The Protector of Emigrants shall cause the vessel to be carefully surveyed by a competent person, with a view to ascertain her sea-worthiness and the extent and nature of her accommodation for Emigrants, and to ascertain that she is properly ventilated and is supplied with all the requisite tackle for her voyage.

Survey of vessel.

(5.) The Protector of Emigrants shall make a full report on the survey to the Local Government; and if he is of opinion that the vessel is in all respects suitable for the carrying of Emigrants under this Act, but not otherwise, he shall give a certificate to that effect to the Master of the vessel.

Report after survey, and certificate to Master.

(6.) In consideration of his obtaining a license to carry Emigrants, the Master of every vessel intended to carry Emigrants shall, upon the requisition of the Protector of Emigrants and before any Emigrant embarks on board of such vessel, execute in duplicate a bond, in such form as the Local Government prescribes, binding himself and his owners in a penal sum of ten thousand rupees to conform to the several conditions in this Act provided. The Protector of Emigrants shall require the Master to execute such bond as aforesaid in duplicate, and shall forward one copy of it to the Government of the place to which the Emigrants are to be carried (or in the case of a French colony to the British Consular Agent at such colony) and the other copy of it to the Local Government.

Bond to be executed by Master.

41. (1.) No certificate under section forty shall be granted, unless there be provided for the Emigrants, either between decks or in cabins on the upper deck firmly secured and entirely covered in, a space devoted to their exclusive use. Such cabins and space between decks shall in every part have a height of not less than five feet and a half.

Space and accommodation required on board Emigrant ships.

(2.) No compartment shall take more than one adult Emigrant for every twelve superficial feet on deck, and for every cubic space of seventy-two feet, or more than one child who has completed two and has not completed ten years of age for every eight superficial feet on deck.

(3.) A distinct and separate place shall be fitted up for a hospital in every Emigrant vessel.

(4.) Women and children shall occupy a compartment of the vessel distinct and separate from the compartments of the single men.

(5.) An Emigrant above the age of ten years shall, for the purposes of this Act, count as an adult, and two children from one to ten years of age shall count as one adult.

42. (1.) There shall be actually laden and on board of every vessel carrying Emigrants, at the time of the departure of such vessel from the port at which they embark,

Provisions, fuel and water.

(a.) good and wholesome provisions for the use and consumption of the said Emigrants (over and above the victualling of the Captain, officers and crew, and of the cabin and other passengers, if any)

in such quantity and of such description and quality as may be prescribed by any rule framed by the Governor General of India in Council under section fifty-six,

(b.) fuel for cooking such provisions, and

(c.) a supply of water, to the amount of seven gallons for every week of the probable length of the voyage for every Emigrant on board such vessel. Such water shall be carried in tanks or casks to be approved by the Protector of Emigrants. When casks are used, they shall be sweet and tight, of sufficient strength, and if of wood properly charred inside, and shall not be capable severally of containing more than three hundred gallons each: the staves of the water-casks shall not be made of fir, pine or soft wood.

(2.) Every such vessel shall, at the time of departure aforesaid, have actually on board and shall carry with her a properly qualified European or Native Surgeon, and such medicines and other stores in such quantity and of such quality as may be prescribed by rules made under section fifty-six.

Surgeon, medicines, and stores.

(3.) When any vessel is destined to call at a port or place in the course of her voyage for the purpose of filling up her tanks or casks, a supply of water at the rate hereinbefore mentioned, for every week of the probable length of the voyage to such port or place shall be deemed to be a compliance with this section.

Supply of water for vessel destined to call at intermediate port.

The probable length of the voyage to such port or place shall be determined from time to time by the Protector of Emigrants, subject to the approval of the Local Government.

(4.) When any such vessel is fitted with Normandy's apparatus, or other apparatus approved by the Protector of Emigrants, for distilling sea-water, and with proper and sufficient means for working the same, a reduction shall be allowed of one-third in the quantity of water required under this section.

Supply in vessel fitted with distilling apparatus.

(5.) The Protector of Emigrants and the Medical Inspector of Emigrants shall see personally that all the provisions of this section are complied with.

Protector and Inspector of Emigrants to ensure compliance with above provisions.

43. Before any vessel carrying Emigrants clears out for any place westward of the Cape of Good Hope, between the first day of March and the fifteenth day of September, the Protector of Emigrants shall personally see that every Emigrant is supplied with at least one extra double blanket, and that the same is placed with his other clothing or luggage.

Supply of extra clothing.

Every Emigrant shall be allowed to make use of such double blanket so long as the vessel is outside of the tropics.

44. Before any vessel licensed to carry Emigrants shall be cleared out from the port of Calcutta, Madras or Bombay, the Master of such vessel shall obtain from the Protector of Emigrants at the port of clearance, and from the Emigration Agent for the place to which the Emigrants are intended to proceed, certificates, under the hands of such Protector and Emigration Agent respectively, to the effect following, that is to say:—that such Protector and Emigration Agent have, in respect of the Emigrants proceeding in such vessel, done all that is hereinbefore required to be done on the part of such Protector and Emigration Agent respectively; and that all the directions herein contained for ensuring the health, comfort and safety of the Emigrants have been duly complied with, as well as all such rules as the Governor General in Council from time to time frames under section fifty-six.

Certificates from Protector of Emigrants and from Emigration Agent.

X.—Embarkation.

45. If any Emigrant without sufficient cause refuses or neglects to embark when called upon by the Emigration Agent so to do, it shall not be lawful to compel such Emigrant to embark or to put him on board-ship against his will, or to detain him against his will at the depôt or elsewhere: but nothing in this section shall diminish or affect the civil or criminal liabilities, which such Emigrant incurs by reason or in respect of his refusal or neglect aforesaid.

Emigrants refusing to embark.

Proviso.

Every case in which an Emigrant is charged before a Magistrate of a Presidency Town with refusing or neglecting to embark without sufficient cause, shall be heard and determined by such Magistrate in a summary manner, and every such labourer shall, on conviction, be punished in the manner provided in section four hundred and ninety-two of the Indian Penal Code for the punishment of offences under that section.

46. Emigrants may leave India for any place East of the Cape of Good Hope to which emigration is lawful under this Act, at all times of the year.

Time of sailing for places East of Cape of Good Hope.

For any such place West of the Cape of Good Hope, Emigrants may leave only between the thirty-first of July and the sixteenth of March, unless they embark in vessels using steam-power, in which case they may leave at any time of the year.

For other places.

Provided that, in cases of emergency, the Lieutenant Governor of Bengal may permit Emigrants for any place West of the Cape of Good Hope to leave the port of Calcutta between the thirty-first day of July and the first day of April.

47. The Protector of Emigrants shall, from the report of the Medical Inspector and by personal communication with every Emigrant before embarkation, ascertain that the Emigrant is in good health and not incapacitated from labour by old age, bodily infirmity, or disease.

Emigrant unfit to undertake voyage.

If the Protector of Emigrants is of opinion that any Emigrant is in a state of health which makes him unfit to undertake the voyage on which he is about to embark, the Protector shall refuse to permit his embarkation.

The Protector of Emigrants shall also, before the embarkation of any Emigrant, ascertain that

he has in his possession the copy of the registration provided under section twenty-seven or section twenty-nine.

If it appear to the satisfaction of the Protector of Emigrants that any Emigrant has lost such copy, the Protector may furnish such Emigrant with another copy of such registration, to be made from the copy received by the Protector from the Magistrate under section twenty-seven or from the Register kept by himself under section twenty-nine, and shall thereupon allow such Emigrant to embark.

48. The Protector of Emigrants shall explain to all Emigrants, prior to their embarkation, the substance of the provisions of this Act so far as they immediately affect such Emigrants.

Provisions of Act to be explained.

49. (1.) When any Emigrants are about to embark on any vessel, the Emigration Agent for the place to which they are intended to proceed shall furnish the Master of the vessel with five copies of a list, specifying, as accurately as may be, the names, ages and occupations, and the names of the fathers, of the Emigrants about to embark on board such vessel.

Procedure on embarkation.

(2.) On embarkation, every Emigrant shall deliver to the Master of the vessel the pass granted to him under section thirty-eight; and the Master shall not receive any Emigrant on board unless he delivers up such pass. The Master shall compare the Emigrants who embark and the passes delivered by them with the list furnished by the Emigration Agent, and if the list appear to be correct, and to correspond with the passes delivered and with the Emigrants embarked, the Master shall sign the five copies of the list.

Emigrant to give his pass to Master.

(3.) The Protector of Emigrants shall be personally present at the embarkation of all Emigrants, and shall see that the Master duly compares the list with the passes and Emigrants, and he shall himself also compare the list with the passes and Emigrants.

Protector to be personally present.

(4.) When the copies of the list have been signed, the Master shall give two copies to the Protector of Emigrants, who shall sign such copies if he believes them to be correct, and shall return one copy to the Master of the vessel: the other copy shall be filed in the office of the Protector of Emigrants.

One copy of list of Emigrants given to Protector, to be signed and returned to Master.

(5.) The Protector of Emigrants shall not permit any Emigrant to remain on board who has not a pass, or is not mentioned in the list aforesaid.

Emigrant not having pass not to be allowed to remain on board.

(6.) Every pass delivered up to the Master of a vessel under this section shall be returned by him to the Emigrant by whom the same was delivered up, prior to such Emigrant disembarking on the arrival of the vessel at her place of destination.

Pass to be returned to Emigrant on arrival at place of destination.

50. The Master of every vessel carrying Emigrants shall, after the embarkation of the Emigrants and before the departure of the vessel, give to the Emigration Agent at the port from which such vessel is cleared out two others of the five copies of the list of Emigrants mentioned in section forty-nine, duly signed by the Master.

Copy of list of Emigrants to be signed by Emigration Agent and returned to Master.

The Emigration Agent shall thereupon sign such copies, and shall return to the Master one of the said copies, which shall, on the arrival of the vessel at the place of destination and previous to the disembarkation of any Emigrant, be delivered by the Master to the Protector of Emigrants, or other the proper officer, at such place.

And by him to be delivered at place of destination.

51. The Protector of Emigrants shall, by every vessel which carries Emigrants, send to the Protector of Emigrants or other the proper Government Authority at the place for which the Emigrants embark, a correct and detailed list of all Emigrants embarked in such vessel, compiled from the passes of the Emigrants and from the list signed by the Master as aforesaid.

Protector to send list of Emigrants to Government of place to which they sail.

52. The Master of every vessel carrying Emigrants from the port of Calcutta shall proceed on his voyage and depart with his vessel from Garden Reach within twenty-four hours after the embarkation of such of the Emigrants as shall have first embarked.

Vessel sailing from Calcutta to depart within twenty-four hours of embarkation.

53. Every vessel sailing from the port of Calcutta with Emigrants shall proceed from Garden Reach to sea under tow of a competent steamer.

Vessels sailing from Calcutta to be towed to sea.

54. Two copies of this Act and of all rules made by the Governor General of India in Council under section fifty-six, and two copies of a translation of this Act and of such rules, in such language or languages as the Local Government may direct, shall be delivered to the Master of every vessel carrying Emigrants by the Emigration Agent at the time of clearance, and shall be kept on board of every such vessel during the whole voyage.

Copies of Act and rules to be kept on board.

One of such copies or translations shall, upon request made at any reasonable time to the Master of the vessel, be produced to any Emigrant or passenger for his perusal.

55. In case of sickness breaking out on board of any vessel conveying Emigrants to Seychelles, such Emigrants may be taken to the quarantine-station of Mauritius.

Taking emigrants for Seychelles to quarantine-station of Mauritius.

In such case the Emigrants may, at their option, contract for service at Mauritius, or may proceed to Seychelles.

If they elect to contract for service in Mauritius, such Emigrants shall then be regarded and treated,

in all respects, as if they had emigrated to Mauritius under the provisions of this Act.

XI.—Supplementary Powers.

56. The Governor General of India in Council may from time to time make rules consistent with this Act,—

Power of the Governor General in Council to make rules.

(1.) To regulate the proportion of women to be taken with Emigrants, and the age below or above which children shall not be taken;

(2.) To prescribe the description, quantity and quality of provisions to be taken by vessels carrying Emigrants, the daily allowance of food and water to be issued to each Emigrant during the voyage, and the nature and amount of clothing which shall be supplied to the Emigrants;

(3.) To provide for the medical care of Emigrants during their residence at the depôts and on their voyages;

(4.) To prescribe the nature, quality and quantity of medical drugs and other stores, to be carried on board such vessels;

(5.) To provide for the ventilation and cleanliness of such vessels during their voyages, and for their being furnished with a sufficient number of suitable boats for use in case of shipwreck or fire;

(6.) To provide for a journal being kept, by the Surgeon of every such vessel, of the health of the Emigrants, and of his treatment of the sick, together with full explanations of the causes of every death;

(7.) And generally to provide for the security, well-being, and protection of Emigrants.

All such rules shall be published in the *Gazette of India* and shall have effect as if they were contained in this Act.

Provided that, in cases of emergency, the Lieutenant Governor of Bengal may permit any vessel carrying Emigrants to leave the port of Calcutta, although the proportion of women embarked on board such vessel is not in accordance with the said rules.

57. Whenever the Governor General in Council has reason to believe that in any place to which emigration is lawful under this Act, proper measures have not been taken for the protection of Emigrants immediately upon their arrival in such place or during their residence therein, or for their safe return to India, or to provide a return-passage to India for any such Emigrants at or about the time at which they are entitled to such return-passage, the Governor General in Council may, by notification published in the *Gazette of India*, declare that emigration to such place shall cease and be prohibited from a certain day to be specified in the notification.

Power to prohibit emigration to any place to which emigration is allowed.

58. After any notification has been published under section fifty-seven, emigration to such place as is specified in such notification shall be suspended from the day specified in the notification: but such suspension shall not affect any act done, offence committed, or proceedings commenced before such suspension.

Emigration to place mentioned to be suspended.

59. During the time of such suspension any provisions of this Act prohibiting emigration, or the aiding or abetting of emigration, or the making of any contract for labour to be performed by any Native of India out of the British territories in India, shall take effect so far as relates to the place specified in the notification, in the same manner and to the same extent as if emigration to such place had never been declared to be lawful.

During suspension, laws against emigration to be in force as to place specified.

60. Whenever the Governor General in Council is satisfied that, in the place specified in any notification under section fifty-seven, proper measures have been taken and will be adopted for the protection of Emigrants immediately upon their arrival thereat and during their residence therein, and for their safe return to India, and for providing return-passages to India for such Emigrants at or about the time at which they are entitled to such return-passages, the Governor General in Council may notify in the *Gazette of India* that emigration to such place shall again be allowed from a day to be specified in such notification.

Revocation of suspension.

Thereupon all the provisions of this Act authorizing emigration to such place shall, from the day so specified, be revived and have the same effect as if such emigration had not been suspended, except as to acts done, offences committed, and proceedings commenced during the time of such suspension.

61. Whenever the Governor General in Council or the Local Government has reason to believe that, in any place to which emigration is lawful, the plague or other infectious disease dangerous to human life has broken out,

Power to prohibit emigration.

or that proper measures have not been taken for the protection of Emigrants immediately upon their arrival in such place or during their residence therein,

or for their safe return to India,

or to provide a return-passage to India for any such Emigrants at or about the time at which they are entitled to such return-passage,

the Governor General in Council or the Local Government may, by notification published in the *Gazette of India* or the local Gazette (as the case may be), declare that emigration from British India or from the territories subject to the Local Government (as the case may be) to such place shall cease and be prohibited from a certain day to be specified in the notification.

Any notification issued by the Governor General in Council under this section may be cancelled by notification in the *Gazette of India*.

Any notification issued by the Local Government under this section may be cancelled by order of the Governor General in Council, or by the Local Government.

62. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, increase any fee payable under sections eleven, nineteen and thirty-one, and may also

Power to increase fees.

in like manner reduce to its present amount any fee so increased:

Provided that no fee shall be increased under this section by more than double such amount.

XII.—Special Provisions as to French Colonies.

Nomination of Agents for Calcutta, Madras and Bombay.

Proviso.

63. The French Government may nominate a person to be Emigration Agent under this Act for each of the Ports of Calcutta, Madras and Bombay. Provided that such person, before entering on the duties of his office under this Act, has been approved by Her Majesty.

Powers of Agents.

64. The Emigration Agents so nominated and approved as aforesaid shall be authorized, under the conditions prescribed in this Act, to recruit and engage Native labourers for all or any of the French Colonies aforesaid.

Operations of recruitment.

65. The said Emigration Agents shall act in conformity with the regulations now or hereafter existing for the recruitment of Native labourers for British Colonies, and shall, with regard to the operations of recruitment which are entrusted to them, enjoy for themselves and the persons whom they may employ in the management of the said operations, all the facilities and the advantages afforded to the Emigration Agents for British Colonies.

Protector of Emigrants.

66. The Protector of Emigrants at each of the three British Ports aforesaid, shall act for the British Government as Protector of labourers emigrating under the provisions of this Part of this Act.

In French Ports in India the duty imposed on the British Consular Agents by Article V of the Convention printed in the third schedule hereto annexed shall be performed under such instructions as may be given by the Governor General in Council in this behalf.

Contracts of service, with certain exceptions, to be made in India. Effect of contract.

67. All contracts of service made with labourers emigrating to French Colonies under this Act, except the contracts mentioned in clause four of Article IX and clause two of Article X of the said Convention, shall be made in India, and shall bind the Emigrant either to serve a person designated by name, or to serve a person to whom he is allotted by the proper authority on his arrival in the Colony to which he emigrates.

Matters to be provided for in contract.

68. The contracts of service shall be in accordance with the terms of the said Convention, and shall make provision for—

(1.) The duration of the engagement at the expiration of which the Emigrant shall receive a return-passage to India at the expense of the French Government, and the terms on which he may abandon or renounce his right to a free return-passage.

(2.) The number of days and hours of work.

(3.) The wages and rations as well as the rate of payment for extra work, and all the advantages promised to the Emigrant.

(4.) Gratuitous medical treatment for the Emigrant, except in cases where, in the opinion of the proper Government officer, his illness has arisen from his own misconduct.

(5.) In every contract of engagement there shall be inserted an exact copy of Articles IX, X, XX and XXI of the said Convention.

Power to extend Act to French Colonies not expressly named.

69. The Governor General in Council may, by order to be published in the *Gazette of India*, extend this Act to any other French Colony not expressly named herein, at which a British Consular Agent is established and to which the application of the said Convention shall be extended, and in such order may declare the probable length of the voyage to such Colony.

Such declaration shall have the same effect as if it formed part of this section.

Emigrant vessel to carry European Surgeon and Interpreter.

70. Every Emigrant vessel sailing to a French Colony shall carry an European Surgeon and an Interpreter.

XIII.—Penalties.

For making unlawful contract of labour.

71. Whoever, except under and in conformity with the provisions of this Act, makes any contract with any Native of India for labour to be performed in any place beyond British India to which emigration is not authorized under this Act, shall be deemed to have committed the offence specified in section three hundred and sixty-three of the Indian Penal Code:

And whoever knowingly enables or assists any Native of India to emigrate to any such place, or aids in or abets the emigration of any Native of India to any such place, shall be deemed to have abetted the commission of that offence.

For recruiting without being licensed.

72. Whoever, not being a Recruiter duly licensed under this Act, acts or is employed as a Recruiter of labourers, or contrary to the provisions of this Act, enters into any contract with a Native of India for labour to be performed by such Native in any place beyond British India, shall be liable to a fine not exceeding five hundred rupees.

For Recruiter failing to take engaged labourers before Magistrate or Protector.

73. Whoever, being a duly licensed Recruiter, removes any Emigrant whom he may engage in any district or place other than the towns of Calcutta, Madras or Bombay, from such district or place, without such Emigrant having appeared along with the Recruiter before the Magistrate of the District in order that the Emigrant might be examined and registered;

and whoever removes any Emigrant whom he may engage in any one of the towns of Calcutta, Madras or Bombay, from such town, or to an emigration depôt, without such Emigrant having appeared with the Recruiter before the Protector of Emigrants in order that the Emigrant might be examined and registered;

For fraudulently inducing labourer to contract.

and whoever by means of intoxication, violence, fraud, or false pretences induces any Native of India to enter into a contract for labour to be performed

by him in any place to which emigration is lawful under this Act, or to proceed to any such place without having entered into any contract;

For not supplying proper food.

and whoever fails to supply any Emigrant whom he has engaged, and who is registered, with suitable food, or otherwise ill-treats such Emigrant on his journey to the depôt;

For not taking labourer to depôt.

and whoever forwards, sends or conveys any such Emigrant otherwise than is provided in section thirty-two, or to any house or place in or near the Towns of Calcutta, Madras or Bombay, respectively, other than the depôt for the Emigrants for the place at which such Emigrant has contracted to labour,

shall be liable to a fine not exceeding five hundred rupees.

For forwarding labourers, or allowing them to go, without being duly registered.

74. Whoever, being a duly licensed Recruiter, forwards or sends any Emigrant from the district or town in which he has entered into an engagement, to any emigration depôt, without such Emigrant having been duly registered in accordance with the provisions of sections twenty-seven and twenty-nine;

and whoever, being a duly licensed Recruiter, induces or knowingly permits any such Emigrant to leave such district or town, or to proceed to any emigration depôt, for the purpose of emigrating to any place, without the Emigrant being duly registered as aforesaid,

shall be liable to a fine not exceeding five hundred rupees.

For false representation of Government authority.

75. Whoever, without lawful authority, issues any written order to the Police to assist himself or any other person to procure labourers to proceed to any place beyond British India, or falsely represents that such labourers are required by the Government or are to be engaged on behalf of Government, shall be liable to a fine not exceeding five hundred rupees.

For receiving Emigrants in an unlicensed vessel.

76. The Master of any vessel which has not been licensed as provided in section forty, knowingly receiving any Emigrant on board in order to convey such Emigrant to any place contrary to the provisions of this Act, shall be liable to imprisonment for a period not exceeding one year, and also to a fine not exceeding one thousand rupees for every such Emigrant received on board, and the vessel shall be liable to be forfeited.

For clearing ship without complying with rules.

77. If the Master of any vessel, at the port of Calcutta, the port of Madras, or the port of Bombay, clears such vessel for any place to which emigration is lawful under this Act, and takes on board any Emigrant without having fully complied with every particular required in sections forty-one and forty-two, he shall be liable to a fine not exceeding two hundred rupees for every Emigrant so taken on board.

For taking on board after clearance Emigrants not entered in list.

78. If the Master of any vessel, after having cleared such vessel for any place to which emigration is lawful under this Act, takes on board any Emigrant without such Emigrant having been duly entered in the lists mentioned in sections forty-nine and fifty, and in the manner in those sections prescribed, he shall be liable to a fine not exceeding two hundred rupees for every Emigrant so taken on board.

For fraudulent acts whereby certificate becomes inapplicable to vessel.

79. If after having obtained a certificate in accordance with the provisions of section forty, the Master of any vessel cleared for any place to which emigration is lawful under this Act, fraudulently does, or suffers to be done, any act or thing whereby such certificate becomes inapplicable to the altered state of the vessel or other matter to which such certificate relates, he shall be liable to a fine not exceeding five thousand rupees,

and he may also be sued on any bond which he may have executed in consideration of any license obtained for the vessel as originally described.

For proceeding to sea without steam.

80. If the Master of a vessel sailing from the port of Calcutta, licensed under section forty and sailing with Emigrants on board, without reasonable excuse causes or allows his vessel to proceed from Garden Reach to sea, or to proceed any part of the distance between Garden Reach and sea, without his vessel being under tow of a competent steamer,

or if such vessel has not left Garden Reach and proceeded on her voyage within the time prescribed in section fifty-two,

the Master of such vessel shall be liable to a fine not exceeding one thousand rupees.

Customs officers may search and detain for purposes of this Act.

81. All the powers vested by law in the officers of Customs in regard to the searching and detention of vessels, or otherwise, for the prevention of smuggling on board thereof, may be exercised by such officers for the prevention of the illegal embarkation of Emigrants on board vessels bound for any place to which emigration is lawful under this Act, and of other offences against this Act.

Prosecutions under this Act where and how instituted.

82. All prosecutions under this Act shall be instituted on information laid at the instance of an Emigration Agent, or of a Protector of Emigrants, or of an officer appointed for the purpose by the Local Government, before a Magistrate of Police, or before the Magistrate of the District, according as they shall be instituted for offences committed within or for offences committed beyond the limits of the towns of Calcutta, Madras and Bombay.

Mode of recovering fines.

All fines imposed under this Act may be recovered, if for offences committed outside the limits of the said towns, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

XIV.—Miscellaneous.

83. The probable length of the voyages to the places mentioned in section twenty-three, from Calcutta, Madras or Bombay respectively, shall, for the purposes of this Act, be deemed to be as follows:—

Probable length of voyages to places mentioned in section twenty-three.

FROM CALCUTTA:—

To Mauritius, Seychelles and Réunion ...	Between the months of April and October inclusive, ten weeks; and between the months of November and March inclusive, eight weeks.
To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts and St. Croix, Martinique, Guadeloupe and its dependencies ...	Twenty weeks.
To French Guiana ...	Twenty-six weeks.
To Natal ...	Twelve weeks.

FROM MADRAS:—

To Mauritius, Seychelles and Réunion ...	Between the months of April and October inclusive, seven weeks; and between the months of November and March inclusive, six weeks.
To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts, St. Croix, Martinique, Guadeloupe and its dependencies, and French Guiana ...	Nineteen weeks.
To Natal ...	Ten weeks.

FROM BOMBAY:—

To Mauritius, Seychelles and Réunion ...	Between the months of April and September inclusive, five weeks; and between the months of October and March inclusive, six weeks.
To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts, St. Croix, Martinique, Guadeloupe and its dependencies, and French Guiana ...	Nineteen weeks.
To Natal ...	Ten weeks.

84. Every notification under section twenty-four shall state the probable length of the voyages from Calcutta, Madras and Bombay, respectively, to every place to which emigration is thereby authorized, and thereupon such period shall, for the purposes of this Act, be taken to be the probable length of such voyage.

Notification legalizing emigration to new place to give probable length of voyages thither.

85. The Local Government may from time to time authorize any person invested with the powers of a Magistrate, as defined in the Code of Criminal Procedure, to perform the duties and exercise the powers by this Act assigned to and conferred on the Magistrate of the District.

Exercise of powers of Magistrate of the District under this Act.

Every person so authorized shall in all respects for the purposes of this Act be deemed to be included in the words "the Magistrate of the District."

86. Nothing in this Act or in any rule to be made by the Governor General of India in Council under section sixty-one shall apply to any vessel in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's vessels.

Act and rules made under it not to apply to certain vessels.

THE FIRST SCHEDULE.

(See section 2.)

Number and year.	Title.
XLVI of 1860.	To authorize and regulate the Emigration of Native Labourers to the French Colonies.
VII of 1862.	To amend Act XLVI of 1860 (to authorize and regulate the Emigration of Native Labourers to the French Colonies.)
XIII of 1864.	To consolidate and amend the laws relating to the Emigration of Native Labourers.
VI of 1869.	To amend the law relating to the Emigration of Native Labourers.
VI of 1870.	To enable the Governor General in Council to increase the fee payable under section thirty-one of the Emigration Act.

THE SECOND SCHEDULE.

(See section 19.)

Office of the Protector of Emigrants at the Port of

A B is hereby licensed under the Indian Emigration Act, 1871, to be a Recruiter for engaging persons to proceed to for the purpose of labouring for hire.

This license will be in force for one year only from this date.

Dated the day of

(Signed) *C. D.*,
Protector of Emigrants.

THE THIRD SCHEDULE.

(See sections 66, 67 and 68.)

Convention between Her Majesty and the Emperor of the French relative to the Emigration of Labourers from India to the French Colonies, with an additional article thereto annexed.

Signed at Paris, July 1861.

[*Ratifications exchanged at Paris, July 30th*, 1861.]

His Majesty the Emperor of the French having made known, by a declaration dated this day (1st July 1861) his resolution to put an end to the recruitment upon the coast of Africa of negro labourers by means of redemption; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland desiring, in consequence, to facilitate the immigration of free labourers into the French Colonies, their said Majesties have resolved to conclude a Convention destined to regulate the recruitment of such labourers in the British territories in India. For this purpose they have named as their Plenipotentiaries:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Most Honourable Henry Richard Charles Earl Cowley, Her Majesty's Ambassador Extraordinary and Plenipotentiary to the Emperor of the French;

And His Majesty the Emperor of the French, M. Edouard Antoine Thouvenel, Senator, His Minister and Secretary of State for the Department of Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in due form, have agreed upon the following Articles:—

ARTICLE I.

The French Government shall be at liberty to recruit and engage labourers for the French Colonies in the Indian Territories belonging to Great Britain, and embark Emigrants, being subjects of Her Britannic Majesty, either in British or French Ports in India, under the conditions hereinafter stipulated.

ARTICLE II.

The French Government shall entrust the direction of its operations in every centre of recruitment to an Agent chosen by itself.

Those Agents must be approved by the British Government.

Such approval is assimilated, with regard to the right of granting and withdrawal, to the Exequatur given to Consular Agents.

ARTICLE III.

This recruitment shall be effected conformably to the regulations which now exist, or may hereafter be established, for the recruitment of labourers for British Colonies.

ARTICLE IV.

The French Agent shall, with regard to the operations of recruitment which are intrusted to him, enjoy for himself and for the persons whom he may employ, all the facilities and advantages afforded to the Recruiting Agents for British Colonies.

ARTICLE V.

The Government of Her Britannic Majesty shall appoint in those British Ports where Emigrants may be embarked, an Agent who shall be specially charged with the care of their interests.

In French Ports the same duty with regard to Indian subjects of Her Britannic Majesty shall be confided to the British Consular Agent.

Under the term "Consular Agents" are comprised Consuls, Vice-Consuls, and all other Commissioned Consular Officers.

ARTICLE VI.

No Emigrant shall be embarked unless the Agent described in the preceding Article shall have been enabled to satisfy himself, either that the Emigrant is not a British subject or, if a British subject, that his engagement is voluntary, that he has a perfect knowledge of the nature of his contract, of the place of his destination, of the probable length of his voyage, and of the different advantages connected with his engagement.

ARTICLE VII.

The contracts of service, with the exception provided for by section 4 of Article IX, and by section 2 of Article X, shall be made in India, and shall either bind the Emigrant to serve a person designated by name, or to serve a person to whom he shall be allotted by the proper authority on his arrival in the Colony.

ARTICLE VIII.

The contracts shall, moreover, make stipulation for:—

1. The duration of the engagement, at the expiration of which the Emigrant shall receive a return-passage to India at the expense of the French Government, and the terms on which it will be competent to him to abandon or renounce his right to a free return-passage.

2. The number of days and hours of work.

3. The wages and rations, as well as the rate of payment for extra work, and all the advantages promised to the Emigrant.

4. Gratuitous medical treatment for the Emigrant, except in cases where, in the opinion of the proper Government officer, his illness shall have arisen from his own misconduct.

In every contract of engagement there shall be inserted an exact copy of Articles IX, X, XX and XXI of the present Convention.

ARTICLE IX.

1. The duration of the Immigrant's engagement shall not be more than five years. In case, however, he shall be duly proved to have absented himself from work, he shall be bound to serve a number of days equal to the time of his absence.

2. At the expiration of that period, every Indian who shall have attained the age of ten years at the time of his departure from India, shall be entitled to a return-passage at the expense of the French Government.

3. If he can show that his conduct has been regular, and that he has the means of subsistence, he may be allowed to reside in the Colony without any engagement; but from that time he will lose his right to a free return-passage.

4. If he consents to contract a new engagement, he will be entitled to a bounty, and will retain his right to a return-passage at the expiration of this second engagement.

The right of the Immigrant to a return-passage extends to his wife, and to his children who quitted India under the age of ten years, as well as to those born in the Colonies.

ARTICLE X.

The Immigrant shall not be bound to work more than six days in seven nor more than nine hours and a half a day.

The conditions of task-work and every other kind of regulation for work, shall be freely arranged with the labourer. The obligation to provide, on holidays, for the care of animals and the necessities of daily life, shall not be considered as work.

ARTICLE XI.

In British Ports, the arrangements which precede the departure of the Emigrants shall be conformable to those prescribed by the regulations for the British Colonies.

In French Ports, the Emigration Agent or his deputies shall, on the departure of every Emigrant ship, deliver to the British Consular Agent a nominal list of the Emigrants who are subjects of Her Britannic Majesty, with a description of their persons, and shall also communicate to him the contracts of which he may require copies.

In such case, only one copy shall be given of all contracts of which the provisions are identical.

ARTICLE XII.

In the Ports of embarkation, the Emigrants who are subjects of Her Britannic Majesty shall be at liberty, conforming to the regulations of Police relative to such establishments, to leave the depôts, or other place in which they may be lodged, in order to communicate with the British Agents, who on their part may at any reasonable hour visit the places in which the Emigrants, subjects of Her Britannic Majesty, are collected or lodged.

ARTICLE XIII.

Emigrants may leave India for the Colonies to the East of the Cape of Good Hope at all times of the year.

For other Colonies they may leave only from the first of August to the fifteenth of March. This arrangement applies only to sailing vessels; vessels using steam-power may leave at any time of the year.

Every Emigrant sailing from India for the Antilles between the first of March and the fifteenth of September, shall receive at least one double blanket over and above the clothing usually allowed to him, and may make use of it so long as the vessel is outside of the Tropics.

ARTICLE XIV.

Every Emigrant vessel must carry an European Surgeon and an Interpreter.

The Captains of Emigrant vessels shall be bound to take charge of any despatch which may be delivered to them by the British Agent at the Port of embarkation for the British Consular Agent at the Port of destination and to deliver it to the Colonial Government immediately after his arrival.

ARTICLE XV.

In every vessel employed for the conveyance of Emigrants, subjects of Her Britannic Majesty, the Emigrants shall

occupy, either between decks, or in cabins on the upper deck firmly secured and entirely covered in, a space devoted to their exclusive use. Such cabins and space between decks shall in every part have a height of not less than five feet and a half.

No compartment shall take more than one adult Emigrant for every cubic space of seventy-two feet in the Presidency of Bengal and at Chandernagore, and for every cubic space of sixty feet in other French Ports, and in the Presidencies of Bombay and Madras.

An Emigrant above the age of ten years shall count as an adult, and two children from one to ten years of age shall count as one adult.

A place shall be fitted up for a hospital in every Emigrant ship.

Women and children shall occupy compartments of the vessel distinct and separate from those of the men.

ARTICLE XVI.

Each shipment of Emigrants shall include a proportion of women equal to at least one-fourth of the number of men. After the expiration of three years, the numerical proportion of women shall be raised to one-third; after two years more, it shall be raised to one-half; and after a further period of two years, the proportion shall be the same as may be fixed for the British Colonies.

ARTICLE XVII.

The British Agents at the embarkation shall have, at all reasonable times, the right of access to every part of the ship which is appropriated to the use of Emigrants.

ARTICLE XVIII.

The Governors of the French establishments in India shall make such administrative regulations as may be necessary to ensure the complete execution of the preceding stipulations.

ARTICLE XIX.

On the arrival of an Emigrant ship in any French Colony, the Government shall cause to be transmitted to the British Consular Agent any despatches which it may have received for him, together with—

1. A nominal list of all labourers disembarked who are subjects of Her Britannic Majesty.

2. A list of the deaths or births which may have taken place during the voyage.

The Colonial Government shall take the necessary measures to enable the British Consular Agent to communicate with the Emigrants before their distribution in the Colony.

A copy of the "*List of distribution*" shall be delivered to the Consular Agent.

He shall be informed of all deaths and births which may occur during the period of engagement, as well as of all changes of employer, and of all departures on a return-passage.

Every fresh engagement, or act of renunciation of the right to a free return-passage, shall be communicated to the Consular Agent.

ARTICLE XX.

All Immigrants, being subjects of Her Britannic Majesty, shall, in the same manner as other subjects of the British Crown, and conformably to the ordinary rules of international law, enjoy, in the French Colonies, the right of claiming the assistance of the British Consular Agents; and no obstacle shall be opposed to the labourer's resorting to the Consular Agent and communicating with him; without prejudice, however, to the obligations arising out of his engagement.

ARTICLE XXI.

In the distribution of labourers no husband shall be separated from his wife, nor any father or mother from their children under fifteen years of age. No labourer shall be required to change his employer without his own consent, unless he be transferred to the Government, or to the person who has acquired the property on which he is employed.

Immigrants who may become permanently incapable of work, either by sickness or by any other cause beyond their own control, shall be sent back at the expense of the French Government, whatever time may still be wanting to entitle them to a free return-passage.

ARTICLE XXII.

All operations of immigration may be carried on in the French Colonies by French or British vessels without distinction.

British vessels which may engage in those operations shall be bound to conform to all the measures of Police, health, and equipment which may apply to French vessels.

ARTICLE XXIII.

The labour-regulations of Martinique shall serve as the basis for all the regulations of the French Colonies into which Indian Emigrants, subjects of Her Britannic Majesty, may be introduced.

The French Government engages not to introduce into those regulations any modification, the result of which would be to place the said Indian subjects in an exceptional position, or to impose upon them conditions of labour more stringent than those prescribed by the said regulations.

ARTICLE XXIV.

The present Convention applies to emigration to the Colonies of Ré-union, Martinique, Guadeloupe and its dependencies, and Guiana.

It may hereafter be applied to immigration to other Colonies in which British Consular Agents shall be established.

ARTICLE XXV.

The provisions of the present Convention relative to the Indian subjects of Her Britannic Majesty shall apply to the Natives of every Indian State which is under the protection or political control of Her said Majesty, or of which the Government shall have acknowledged the supremacy of the British Crown.

ARTICLE XXVI.

The present Convention shall begin to take effect on the first of September 1861, and shall continue in full force for three years and a half. It shall remain in full force, if notice for its termination be not given in the course of the month of September of the third year, and then notice can be given only in the course of the month of September of each succeeding year.

In case of notice being given for its termination, it shall cease eighteen months afterwards.

Nevertheless the Governor General of British India in Council shall, in conformity with the Act of the 19th of September, 1856, relative to immigration to British Colonies, have the power to suspend at any time emigration to any one or more of the French Colonies, in the event of his having reason to believe that in any such Colony proper measures have not been taken for the protection of the emigrants immediately upon their arrival or during their residence therein, or for their safe return to India, or to provide a return-passage to India for any such emigrants at or about the time at which they are entitled to such return-passage.

In case, however, the power thus reserved to the Governor General of British India should at any time be exercised, the French Government shall have the right immediately to terminate the whole Convention, if they should think proper to do so.

But in the event of the determination of the present Convention, from whatever cause, the stipulations relative to Indian subjects of Her Britannic Majesty introduced into the French Colonies shall be maintained in force in favour of the said Indian subjects, until they shall either have been sent back to their own country, or have renounced their right to a return-passage to India.

ARTICLE XXVII.

The present Convention shall be ratified, and the ratifications shall be exchanged at Paris in four weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 1st day of July, in the year of our Lord one thousand eight hundred and sixty-one.

(L. S.) COWLEY.
(L. S.) THOUVENEL.

ADDITIONAL ARTICLE.

His Majesty the Emperor of the French having stated that, in consequence of the order which he gave long ago that no more African Emigrants should be introduced into the Island of Réunion, that Colony has, since last year, had to obtain labourers from India and China; and Her Britannic Majesty having, by a Convention signed on the 25th of July 1860, between Her Majesty and His Majesty the Emperor of the French, authorized the Colony of Réunion to recruit six thousand labourers in her Indian possessions, it is agreed that the Convention of this date shall take effect forthwith, with regard to the said Colony of Réunion.

The present Additional Article shall have the same force and validity as if it were inserted, word for word, in the Convention signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time as those of the Convention.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 1st of July, 1861.

(L. S.) COWLEY.
(L. S.) THOUVENEL.

STATEMENT OF OBJECTS AND REASONS.

This Bill forms part of the scheme for consolidating the Acts and Regulations, the execution of which commenced in 1867, has since been steadily progressing, and is now being actively carried out. It consolidates the five Acts in which the law on the subject of cooly emigration is contained. The opportunity has been taken to improve, here and there, the wording and arrangement of that law; but no alteration has been made in its substance.

F. S. CHAPMAN.

The 30th November 1870.

WHITLEY STOKES,
Secy. to the Govt. of India.

Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, DECEMBER 31, 1870.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 19.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th December 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 35 OF 1870.

EMIGRATION OF NATIVE LABOURERS' BILL.

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A BILL TO CONSOLIDATE THE LAWS RELATING TO THE EMIGRATION OF NATIVE LABOURERS.

Preamble.

WHEREAS it is expedient to consolidate the laws relating to the Emigration of Native Labourers; It is hereby enacted as follows:—

I.—Preliminary.

Short title.

1. This Act may be called "The Indian Emigration Act, 1871."

Local extent.

It extends to the whole of British India;

Commencement of Act.

And it shall come into force on the passing thereof.

Acts repealed.

2. The Acts mentioned in the first schedule hereto annexed are repealed. All contracts entered into, appointments made, and licenses granted, under any of the said Acts, shall be deemed to be respectively entered into, made and granted under this Act.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context:—

"Emigrate." "Emigrant."

The word "Emigrate" denotes the departure of any Native of India out of British India for the purpose of labouring for hire in some other place; and the word "Emigrant" shall denote any Native of India under engagement to emigrate:

"The Magistrate of the District."

The words "the Magistrate of the District" denote any officer exercising in such District the full powers of a Magistrate:

"Vessel."

The word "vessel" includes anything made for the conveyance by water of human beings or property.

II.—Emigration Agents.

Appointment of Emigration Agents.

4. The Government of every place to which emigration is lawful under this Act may, from time to time, appoint a person to act as Emigration Agent in Calcutta, Madras and Bombay respectively, but such nomination shall be subject to the approval of the Local Government.

Every Emigration Agent may be suspended or removed by the Government which appointed him.

Remuneration of Agents.

5. The remuneration to be given to Emigration Agents shall not depend upon, or be regulated by, the number of Emigrants sent by such Agents, but shall be in the nature of a fixed annual salary.

III.—Protectors of Emigrants and Medical Inspectors.

Appointment of Protectors of Emigrants.

6. The Local Government may appoint a proper person to act as Protector of Emigrants at each of the three ports aforesaid, and may with the sanction of the Governor General of India in Council assign to such person such salary and establishment as shall be deemed proper.

Every Protector of Emigrants may be suspended or removed by the Local Government to which he is subordinate.

No Protector to hold other office without permission.

7. No Protector of Emigrants appointed under this Act shall, except with the permission of the Local Government, hold any other office under Government, or follow any other profession or occupation.

General duties of Protectors of Emigrants.

8. Every Protector of Emigrants, in addition to any special duties assigned to him by this Act, shall, so far as is in his power, generally protect and aid with his advice or otherwise all Emigrants, and shall cause all the provisions of this Act to be duly complied with.

Inspecting vessels with return Emigrants.

He shall also inspect on arrival all vessels bringing return Emigrants to the port at which he is Protector, and enquire into the treatment received by such Emigrants both during the period of their service

in the place to which they emigrated and also during the voyage, and shall make a report thereon to the Local Government,

and he shall aid and advise such return Emigrants so far as he reasonably can when called upon by them to do so.

Appointment of Medical Inspector.

9. At each of the three ports aforesaid, the Local Government may appoint a competent person to be Medical Inspector of Emigrants; and may, with the sanction of the Governor General of India in Council, assign to the Medical Inspector so appointed such salary as is deemed proper.

Depôts to be established in Calcutta, Madras and Bombay.

10. In each of the Towns of Calcutta, Madras and Bombay, or in the suburbs of those Towns, the Emigration Agent of every place to which emigration is lawful under this Act, shall establish a suitable depôt for the persons engaged as labourers for such place.

Licensing of depôts.

11. Every depôt shall be licensed by the Protector of Emigrants, after being inspected and approved of by him and by the Medical Inspector of Emigrants.

No license shall be in force for a longer period than a year, and any license may be cancelled by the Protector of Emigrants if he considers that the depôt for which it was granted is unhealthy or in any respect has become unsuitable for the purpose for which the depôt was established.

For every license granted under this section there shall be paid to the Protector a fee of fifteen rupees.

Inspection by Protector and Medical Inspector.

12. Every Protector of Emigrants and every Medical Inspector of Emigrants shall from time to time, and at least once in every week, inspect the Emigrants in the various depôts for the reception of Emigrants about to embark from the port at which they are Protector and Medical Inspector respectively, and examine into the state of the depôts, and the manner in which the Emigrants are therein lodged, fed, clothed and otherwise provided for and attended to.

Report to be made by Medical Inspector.

13. The Medical Inspector shall report to the Protector of Emigrants any circumstance which may come to his knowledge, showing that the depôt is not suitable for its purpose, or that the Emigrants are treated with any neglect or oppression.

Protectors and Medical Inspectors to be public servants.

14. Every Protector of Emigrants and every Medical Inspector of Emigrants shall be a public servant within the meaning of the Indian Penal Code.

And to have facilities for inspections, &c.

15. Every Emigration Agent, and all persons in charge of or employed in any depôt, or in any vessel licensed to carry Emigrants as hereinafter provided, shall give the Protector and the Medical Inspector every facility for making such inspections, examinations and surveys as may be necessary or proper under this Act, and shall afford them all such information as may be reasonably required by them.

IV.—Recruiters of Labourers.

Protector of Emigrants to license Recruiters.

16. The Protector of Emigrants at each of the three ports aforesaid, and the British Consular Agent at each of the French ports in India, shall license so many fit persons as to him seems necessary, to be Recruiters of labourers,

and no person shall act or be employed as a Recruiter of labourers except under a license from a Protector of Emigrants or British Consular Agent.

Recruiter's license.

17. Every Recruiter shall be licensed to obtain labourers for some particular place to which emigration is lawful under this Act, and no license to obtain labourers for any place shall be granted except on the application of the Emigration Agent of such place.

Duration and cancelment of license.

18. No license shall be in force for a longer period than one year; and in case of misconduct on the part of any Recruiter, the Protector of Emigrants may cancel his license before the expiration of the period for which it was granted.

Form of license, and fee to be paid.

19. Every license shall be in the form set forth in the second schedule hereto annexed.

For every license there shall be paid to the Protector a fee of fifteen rupees.

Recruiter to wear badge.

20. Every person holding a license as a Recruiter of labourers shall wear a badge bearing the following inscription in English and in the vernacular language of the Town, District or Districts in which he is licensed to engage labourers:—"Recruiter of Emigrants for the Mauritius" *(or other place as the case may be).*

Countersignature of Recruiter's license.

21. No Recruiter shall engage or attempt to engage labourers in any District or in the Towns of Calcutta, Madras or Bombay, without having first exhibited his license to the Magistrate of such District, or a Magistrate of such Town, and obtained the countersignature of such Magistrate thereupon.

Such countersignature shall be given, provided that the license is in force at the time.

V.—Contracts with Emigrant Labourers.

Contracts for labour out of India unlawful, except under this Act.

22. Except under and in conformity with the provisions of this Act, it shall not be lawful to make any contract with any Native of India for labour to be performed in any place beyond British India, or to enable any Native of India to emigrate, or to assist any Native of India in emigrating:

provided that nothing in this Act shall apply—

to any contract with any Native of India for labour to be performed in any Foreign Settlement on the mainland of India or in any Native State in India;

to emigration to any such Settlement or State;

to any contract for labour to be performed in, or to emigration to, the Island of Ceylon; or

to any contract with or the emigration of any Native seaman or other person who of his

own free will contracts to navigate or serve on board of any vessel or who embarks on board such vessel in pursuance of such contract, or any person who contracts to serve as a menial servant only, and who embarks as such menial servant.

Places for emigration to which contracts may be made with Natives.

23. Contracts may be made with Natives of India to emigrate—

to any of the British Colonies of Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, Natal, St. Kitts and Seychelles;

to any of the French Colonies of Réunion, Martinique, Guadeloupe and its dependencies, and Guiana,

and to the Danish Colony of St. Croix;

and it shall be lawful to enable or assist any Native of India to emigrate to any such Colony.

Power to legalize emigration to other places.

24. The Governor General in Council may, from time to time, by notification published in the *Gazette of India*, declare that the emigration of Natives of India shall be lawful to any place other than the places mentioned in section twenty-three:

Proviso.

provided that every such notification contain also a declaration, that the Governor General in Council has been duly certified that the Government of the place to which the notification refers has made such laws and other provisions as the Governor General in Council thinks sufficient for the protection of Natives of India emigrating to such place.

Contracts may be made for emigration to such other places.

25. From the date of any such notification contracts may be made with any Native of India for labour to be performed in any place to which emigration is authorized in the notification, and it shall be lawful to enable or assist any Native of India to emigrate to such place;

but all contracts and emigration under such notification shall be made and conducted subject to the provisions of this Act.

From what ports emigration lawful.

26. Emigration shall not be lawful except from the port of Calcutta, the port of Madras or the port of Bombay.

VI.—Registration of Emigrants.

Natives engaging to emigrate to appear before Magistrate.

27. Every Native of India, who in any place other than the Towns of Calcutta, Madras or Bombay, enters into any engagement with a Recruiter to emigrate, shall, before leaving the District within which the engagement was entered into, appear with the Recruiter before the Magistrate of such District, and no Recruiter shall remove such Emigrant from the said District until he has so appeared.

Examination and registration.

Upon so appearing, the Magistrate shall examine the intending Emigrant with reference to his engagement; and if it appears that he understands the nature of the engagement he has entered into and that he is willing to fulfil the same, the Magistrate shall register in a book to be kept for the purpose, in such form as the Local Government prescribes,

(*a*) the name, name of the father, and the age, of such Emigrant,

(*b*) the name of the village or place of which such Emigrant is a resident,

(*c*) the Emigration depôt to which it is intended he shall proceed, and

(*d*) the rate of wages and period of service, if any, agreed upon between the Emigrant and the Recruiter.

If the Magistrate thinks that the intending Emigrant does not understand the nature of the engagement, or has been induced to enter into the engagement by fraud or misrepresentation, he shall refuse to register his name.

A copy of every registration under this section, written on substantial paper which shall not require a stamp, shall be furnished by the Magistrate to the Emigrant registered.

Copy of registration to be sent to Emigration Agent and Protector.

28. Authentic copies of every such registration shall be forthwith forwarded by the Magistrate to the Emigration Agent at the depôt to which the person named therein has been engaged to proceed, and to the Protector of Emigrants at the intended port of embarkation.

Registration of Emigrants recruited in presidency towns.

29. Every Native of India, who in the towns of Calcutta, Madras or Bombay, enters into any engagement with a Recruiter to emigrate, shall, within forty-eight hours of making such engagement, appear with the Recruiter before the Protector of Emigrants in such town; and no Recruiter shall remove such Emigrant from the said town, or to any Emigration depôt, until he has so appeared.

Upon his so appearing, the Protector of Emigrants shall examine the intending Emigrant with reference to his engagement; and if it appears that he understands the nature of the engagement he has entered into, and that he is willing to fulfil the same, the Protector of Emigrants shall register in a book to be kept for the purpose, in such form as the Local Government prescribes,

(*a*) the name, the name of the father, and the age of such Emigrant,

(*b*) the name of the village or place of which such Emigrant is a resident,

(*c*) the Emigration depôt to which it is intended he shall proceed, and

(*d*) the rate of wages and period of service, if any, agreed upon between the Emigrant and the Recruiter.

If the Protector of Emigrants thinks that the intending Emigrant does not understand the nature of the engagement, or has been induced to enter into the engagement by fraud or misrepresentation, he shall refuse to register his name.

A copy of every registration under this section, written on substantial paper which shall not require a stamp, shall be furnished by the Protector to the Emigrant registered.

Copy of registration by Protector to be forwarded to Agent.

30. An authentic copy of every such registration shall be forthwith forwarded by the Protector to the Emigration Agent of the place for which the person named therein has been engaged.

Fee for registration by Protector.

31. For the registration of every Emigrant under section twenty-seven or twenty-nine, the Recruiter shall pay to the Magistrate or the Protector of Emigrants, as the case may be, a fee of one rupee and eight annas.

On proof of the desertion of any Emigrant before embarkation, the fee paid in respect of such Emigrant may be refunded by the Magistrate or the Protector to the Recruiter by whom it was paid, under such rules as are from time to time made in that behalf by the Governor General of India in Council.

VII.—Conveyance of Emigrants to Depôts.

Conveyance of Emigrant to depôt.

32. (1.) Every Emigrant recruited under the provisions of this Act shall be conveyed by land or river with all convenient despatch to the depôt, at the port of embarkation, established by the Emigration Agent of the place to which such Emigrant has contracted to emigrate.

Emigrants to be accompanied by Recruiter.

(2.) The registered Emigrants engaged by any Recruiter shall, while proceeding to a depôt, be accompanied throughout the journey either by the Recruiter himself or by a competent person appointed by him with the approval of the Magistrate by whom the Emigrants have been registered. The Magistrate shall give to the person so appointed a certificate under his signature, stating that he has been appointed for the journey to the depôt.

Recruiter to provide suitable food and lodging.

(3.) Every Recruiter by or through whom Emigrants may be forwarded to a depôt shall, throughout their journey, provide them with suitable lodging and food.

VIII.—Arrival at Depôts and Procedure thereon.

Arrival at depôt to be reported.

33. The arrival of each Emigrant at a depôt shall immediately be reported by the person in charge of the depôt to the Emigration Agent, and by such Agent to the Protector of Emigrants.

Copy of registration to be shewn to Medical Inspector.

34. The copy of the registration of every Emigrant, received by the Emigration Agent from the Magistrate or from the Protector of Emigrants, shall as soon as conveniently may be after the arrival of the Emigrant be shewn to the Medical Inspector of Emigrants; and the Emigrant shall be examined by the Medical Inspector to ascertain if he is in a fit state of health to emigrate to the place to which he has contracted to proceed.

Emigrants to be inspected by him.

The Medical Inspector, if satisfied of his fitness, shall give a certificate thereof to the Emigration Agent: if satisfied of his unfitness, he shall give a certificate thereof to the Protector of Emigrants.

When emigrant to be sent back to place of registration.

35. If the Medical Inspector certifies that any Emigrant is not in a fit state of health to emigrate to the place to which he has contracted to proceed,

or if any irregularity has occurred in the recruitment of any Emigrant,

the Protector of Emigrants may order the Emigration Agent in whose depôt such Emigrant may be, forthwith to pay to him, the Protector of Emigrants, such reasonable sum as is necessary to enable the labourer to return to the place where he was registered, and the Protector may take any steps he thinks necessary for the conveyance of the labourer to such place.

Failure of Emigration Agent to pay sum required to enable emigrant to return.

36. On failure of the Emigration Agent for twenty-four hours to comply with an order of the Protector for the payment of any such sum, the Protector may pay the same to or on behalf of the Emigrant.

Every sum so disbursed shall be recoverable by the Protector, with six per cent. interest from the date of disbursement, from the Emigration Agent on whose default it is paid, as money paid to the use of such Emigration Agent.

No further proof shall be required by any Court in any such case than that the Protector gave the Emigration Agent an order to pay such money, and that the Emigration Agent for a space of twenty-four hours made default in complying therewith.

Provided that every Emigrant who, from his state of health, is, in the opinion of the Medical Inspector, unfit to undertake the journey back to the place where he was registered, shall, in addition to his being conveyed back at the expense of the Emigration Agent, be entitled to continue in the depôt and to be fed, clothed, lodged and attended to there, by and at the expense of the Emigration Agent, until such time as the Protector otherwise orders.

Duty of Emigration Agent.

37. The Emigration Agent, in the presence of the Protector of Emigrants and within forty-eight hours after the arrival of each Emigrant at the depôt, shall ascertain by personal communication with such Emigrant whether or not he has been properly fed and otherwise properly treated on his journey to the depôt.

The Emigration Agent shall also, in the presence of the Protector and within such time as aforesaid, examine the copy of the registration furnished to the Emigrant under section twenty-seven or section twenty-nine. If for any reason further enquiry be necessary, such enquiry shall be made forthwith.

Unless the Emigration Agent, with the consent of the Protector, refuses to recognize or to be bound by the contract entered into by the Recruiter with the Emigrant, as shown by the copy of the registration produced by the Emigrant, such copy, if it be a copy furnished under section twenty-seven, shall be countersigned by both the Emigration Agent and the Protector, and if it be a copy furnished under section twenty-nine shall be countersigned by the Emigration Agent alone. The copy so countersigned, under whichever section it may have been furnished, shall be delivered back to the Emigrant.

If the Emigration Agent, without the consent of the Protector, refuses to be bound by the contract entered into by the Recruiter with the Emigrant, the Protector may thereupon order the Emigration Agent forthwith to pay to him, the Protector of Emigrants, such reasonable sum as is necessary to enable the Emigrant to return to the place where he was registered. On failure of the Emigration Agent to pay such sum within twenty-four hours of his being ordered so to do, the Protector may pay the same to or on behalf of the Emigrant. All the provisions of section thirty-six as to sums paid by the Protector shall apply, so far as the circumstances of the case permit, to sums paid by him under this section.

Refusal of Agent, without consent of Protector, to be bound by contract made by Recruiter.

The Protector shall also, in every case in which it seems to him proper to do so, institute a suit on behalf of the Emigrant against the Emigration Agent, for the recovery of damages for the breach of contract committed by the Emigration Agent.

Suits against Emigration Agent.

In every such suit, the contract entered into by the Recruiter shall be deemed to have been entered into by and to be binding on the Emigration Agent.

38. After the examination mentioned in section thirty-seven, and if the Medical Inspector has given a certificate of the fitness of the Emigrant to emigrate, the Emigration Agent shall deliver to the Emigrant a pass, countersigned by the Protector of Emigrants as hereinafter provided, stating the name and the age of the Emigrant and the name of his father, and certifying that he is in a fit state of health to emigrate to the place to which he has contracted to go.

After examination and Medical Inspector's certificate, Emigration Agent to grant a pass.

39. The Protector of Emigrants shall attend personally at the examination and passing of Emigrants by the Emigration Agent under sections thirty-seven and thirty-eight, and shall see that the Emigration Agent makes all such enquiries of the Emigrants as it may be his duty to make.

Protector of Emigrants to attend personally at examination and passing.

If such Protector is satisfied with such enquiries, but not otherwise, he shall countersign the pass delivered by the Emigration Agent.

And to countersign pass.

IX.—Emigrant Vessels.

40. (1.) It shall not be lawful to receive any Emigrant on board any vessel unless a license to carry Emigrants in such vessel has been obtained from the Local Government. The granting or withholding any such license shall be in the discretion of the Local Government.

Emigrant not to be received on board an unlicensed ship.

(2.) The Master or owner of any vessel who desires to obtain a license to carry Emigrants in such vessel, shall apply in writing through the Protector of Emigrants to the Local Government for such license.

Application for license.

(3.) Every such application shall state the number of men, women, and children proposed to be carried, and the tonnage and other particulars respecting the vessel.

Contents of license.

(4.) The Protector of Emigrants shall cause the vessel to be carefully surveyed by a competent person, with a view to ascertain her sea-worthiness and the extent and nature of her accommodation for Emigrants, and to ascertain that she is properly ventilated and is supplied with all the requisite tackle for her voyage.

Survey of vessel.

(5.) The Protector of Emigrants shall make a full report on the survey to the Local Government; and if he is of opinion that the vessel is in all respects suitable for the carrying of Emigrants under this Act, but not otherwise, he shall give a certificate to that effect to the Master of the vessel.

Report after survey, and certificate to Master.

(6.) In consideration of his obtaining a license to carry Emigrants, the Master of every vessel intended to carry Emigrants shall, upon the requisition of the Protector of Emigrants and before any Emigrant embarks on board of such vessel, execute in duplicate a bond, in such form as the Local Government prescribes, binding himself and his owners in a penal sum of ten thousand rupees to conform to the several conditions in this Act provided. The Protector of Emigrants shall require the Master to execute such bond as aforesaid in duplicate, and shall forward one copy of it to the Government of the place to which the Emigrants are to be carried (or in the case of a French colony to the British Consular Agent at such colony) and the other copy of it to the Local Government.

Bond to be executed by Master.

41. (1.) No certificate under section forty shall be granted, unless there be provided for the Emigrants, either between decks or in cabins on the upper deck firmly secured and entirely covered in, a space devoted to their exclusive use. Such cabins and space between decks shall in every part have a height of not less than five feet and a half.

Space and accommodation required on board Emigrant ships.

(2.) No compartment shall take more than one adult Emigrant for every twelve superficial feet on deck, and for every cubic space of seventy-two feet, or more than one child who has completed two and has not completed ten years of age for every eight superficial feet on deck.

(3.) A distinct and separate place shall be fitted up for a hospital in every Emigrant vessel.

(4.) Women and children shall occupy a compartment of the vessel distinct and separate from the compartments of the single men.

(5.) An Emigrant above the age of ten years shall, for the purposes of this Act, count as an adult, and two children from one to ten years of age shall count as one adult.

42. (1.) There shall be actually laden and on board of every vessel carrying Emigrants, at the time of the departure of such vessel from the port at which they embark,

Provisions, fuel and water.

(a.) good and wholesome provisions for the use and consumption of the said Emigrants (over and above the victualling of the Captain, officers and crew, and of the cabin and other passengers, if any)

in such quantity and of such description and quality as may be prescribed by any rule framed by the Governor General of India in Council under section fifty-six,

(b.) fuel for cooking such provisions, and

(c.) a supply of water, to the amount of seven gallons for every week of the probable length of the voyage for every Emigrant on board such vessel. Such water shall be carried in tanks or casks to be approved by the Protector of Emigrants. When casks are used, they shall be sweet and tight, of sufficient strength, and if of wood properly charred inside, and shall not be capable severally of containing more than three hundred gallons each: the staves of the water-casks shall not be made of fir, pine or soft wood.

(2.) Every such vessel shall, at the time of departure aforesaid, have actually on board and shall carry with her a properly qualified European or Native Surgeon, and such medicines and other stores in such quantity and of such quality as may be prescribed by rules made under section fifty-six.

Surgeon, medicines, and stores.

(3.) When any vessel is destined to call at a port or place in the course of her voyage for the purpose of filling up her tanks or casks, a supply of water at the rate hereinbefore mentioned, for every week of the probable length of the voyage to such port or place shall be deemed to be a compliance with this section.

Supply of water for vessel destined to call at intermediate port.

The probable length of the voyage to such port or place shall be determined from time to time by the Protector of Emigrants, subject to the approval of the Local Government.

(4.) When any such vessel is fitted with Normandy's apparatus, or other apparatus approved by the Protector of Emigrants, for distilling sea-water, and with proper and sufficient means for working the same, a reduction shall be allowed of one-third in the quantity of water required under this section.

Supply in vessel fitted with distilling apparatus.

(5.) The Protector of Emigrants and the Medical Inspector of Emigrants shall see personally that all the provisions of this section are complied with.

Protector and Inspector of Emigrants to ensure compliance with above provisions.

43. Before any vessel carrying Emigrants clears out for any place westward of the Cape of Good Hope, between the first day of March and the fifteenth day of September, the Protector of Emigrants shall personally see that every Emigrant is supplied with at least one extra double blanket, and that the same is placed with his other clothing or luggage.

Supply of extra clothing.

Every Emigrant shall be allowed to make use of such double blanket so long as the vessel is outside of the tropics.

44. Before any vessel licensed to carry Emigrants shall be cleared out from the port of Calcutta, Madras or Bombay, the Master of such vessel shall obtain from the Protector of Emigrants at the port of clearance, and from the Emigration Agent for the place to which the Emigrants are intended to proceed, certificates, under the hands of such Protector and Emigration Agent respectively, to the effect following, that is to say:—that such Protector and Emigration Agent have, in respect of the Emigrants proceeding in such vessel, done all that is hereinbefore required to be done on the part of such Protector and Emigration Agent respectively; and that all the directions herein contained for ensuring the health, comfort and safety of the Emigrants have been duly complied with, as well as all such rules as the Governor General in Council from time to time frames under section fifty-six.

Certificates from Protector of Emigrants and from Emigration Agent.

X.—Embarkation.

45. If any Emigrant without sufficient cause refuses or neglects to embark when called upon by the Emigration Agent so to do, it shall not be lawful to compel such Emigrant to embark or to put him on board-ship against his will, or to detain him against his will at the depôt or elsewhere: but nothing in this section shall diminish or affect the civil or criminal liabilities, which such Emigrant incurs by reason or in respect of his refusal or neglect aforesaid.

Emigrants refusing to embark.

Proviso.

Every case in which an Emigrant is charged before a Magistrate of a Presidency Town with refusing or neglecting to embark without sufficient cause, shall be heard and determined by such Magistrate in a summary manner, and every such labourer shall, on conviction, be punished in the manner provided in section four hundred and ninety-two of the Indian Penal Code for the punishment of offences under that section.

46. Emigrants may leave India for any place East of the Cape of Good Hope to which emigration is lawful under this Act, at all times of the year.

Time of sailing for places East of Cape of Good Hope.

For any such place West of the Cape of Good Hope, Emigrants may leave only between the thirty-first of July and the sixteenth of March, unless they embark in vessels using steam-power, in which case they may leave at any time of the year.

For other places.

Provided that, in cases of emergency, the Lieutenant Governor of Bengal may permit Emigrants for any place West of the Cape of Good Hope to leave the port of Calcutta between the thirty-first day of July and the first day of April.

47. The Protector of Emigrants shall, from the report of the Medical Inspector and by personal communication with every Emigrant before embarkation, ascertain that the Emigrant is in good health and not incapacitated from labour by old age, bodily infirmity, or disease.

Emigrant unfit to undertake voyage.

If the Protector of Emigrants is of opinion that any Emigrant is in a state of health which makes him unfit to undertake the voyage on which he is about to embark, the Protector shall refuse to permit his embarkation.

The Protector of Emigrants shall also, before the embarkation of any Emigrant, ascertain that

he has in his possession the copy of the registration provided under section twenty-seven or section twenty-nine.

If it appear to the satisfaction of the Protector of Emigrants that any Emigrant has lost such copy, the Protector may furnish such Emigrant with another copy of such registration, to be made from the copy received by the Protector from the Magistrate under section twenty-seven or from the Register kept by himself under section twenty-nine, and shall thereupon allow such Emigrant to embark.

Provisions of Act to be explained.

48. The Protector of Emigrants shall explain to all Emigrants, prior to their embarkation, the substance of the provisions of this Act so far as they immediately affect such Emigrants.

Procedure on embarkation.

49. (1.) When any Emigrants are about to embark on any vessel, the Emigration Agent for the place to which they are intended to proceed shall furnish the Master of the vessel with five copies of a list, specifying, as accurately as may be, the names, ages and occupations, and the names of the fathers, of the Emigrants about to embark on board such vessel.

Emigrant to give his pass to Master.

(2.) On embarkation, every Emigrant shall deliver to the Master of the vessel the pass granted to him under section thirty-eight; and the Master shall not receive any Emigrant on board unless he delivers up such pass. The Master shall compare the Emigrants who embark and the passes delivered by them with the list furnished by the Emigration Agent, and if the list appear to be correct, and to correspond with the passes delivered and with the Emigrants embarked, the Master shall sign the five copies of the list.

Protector to be personally present.

(3.) The Protector of Emigrants shall be personally present at the embarkation of all Emigrants, and shall see that the Master duly compares the list with the passes and Emigrants, and he shall himself also compare the list with the passes and Emigrants.

One copy of list of Emigrants given to Protector, to be signed and returned to Master.

(4.) When the copies of the list have been signed, the Master shall give two copies to the Protector of Emigrants, who shall sign such copies if he believes them to be correct, and shall return one copy to the Master of the vessel: the other copy shall be filed in the office of the Protector of Emigrants.

Emigrant not having pass not to be allowed to remain on board.

(5.) The Protector of Emigrants shall not permit any Emigrant to remain on board who has not a pass, or is not mentioned in the list aforesaid.

Pass to be returned to Emigrant on arrival at place of destination.

(6.) Every pass delivered up to the Master of a vessel under this section shall be returned by him to the Emigrant by whom the same was delivered up, prior to such Emigrant disembarking on the arrival of the vessel at her place of destination.

Copy of list of Emigrants to be signed by Emigration Agent and returned to Master.

50. The Master of every vessel carrying Emigrants shall, after the embarkation of the Emigrants and before the departure of the vessel, give to the Emigration Agent at the port from which such vessel is cleared out two others of the five copies of the list of Emigrants mentioned in section forty-nine, duly signed by the Master.

And by him to be delivered at place of destination.

The Emigration Agent shall thereupon sign such copies, and shall return to the Master one of the said copies, which shall, on the arrival of the vessel at the place of destination and previous to the disembarkation of any Emigrant, be delivered by the Master to the Protector of Emigrants, or other the proper officer, at such place.

Protector to send list of Emigrants to Government of place to which they sail.

51. The Protector of Emigrants shall, by every vessel which carries Emigrants, send to the Protector of Emigrants or other the proper Government Authority at the place for which the Emigrants embark, a correct and detailed list of all Emigrants embarked in such vessel, compiled from the passes of the Emigrants and from the list signed by the Master as aforesaid.

Vessel sailing from Calcutta to depart within twenty-four hours of embarkation.

52. The Master of every vessel carrying Emigrants from the port of Calcutta shall proceed on his voyage and depart with his vessel from Garden Reach within twenty-four hours after the embarkation of such of the Emigrants as shall have first embarked.

Vessels sailing from Calcutta to be towed to sea.

53. Every vessel sailing from the port of Calcutta with Emigrants shall proceed from Garden Reach to sea under tow of a competent steamer.

Copies of Act and rules to be kept on board.

54. Two copies of this Act and of all rules made by the Governor General of India in Council under section fifty-six, and two copies of a translation of this Act and of such rules, in such language or languages as the Local Government may direct, shall be delivered to the Master of every vessel carrying Emigrants by the Emigration Agent at the time of clearance, and shall be kept on board of every such vessel during the whole voyage.

One of such copies or translations shall, upon request made at any reasonable time to the Master of the vessel, be produced to any Emigrant or passenger for his perusal.

Taking emigrants for Seychelles to quarantine-station of Mauritius.

55. In case of sickness breaking out on board of any vessel conveying Emigrants to Seychelles, such Emigrants may be taken to the quarantine-station of Mauritius.

In such case the Emigrants may, at their option, contract for service at Mauritius, or may proceed to Seychelles.

If they elect to contract for service in Mauritius, such Emigrants shall then be regarded and treated,

in all respects, as if they had emigrated to Mauritius under the provisions of this Act.

XI.—Supplementary Powers.

Power of the Governor General in Council to make rules.

56. The Governor General of India in Council may from time to time make rules consistent with this Act,—

(1.) To regulate the proportion of women to be taken with Emigrants, and the age below or above which children shall not be taken;

(2.) To prescribe the description, quantity and quality of provisions to be taken by vessels carrying Emigrants, the daily allowance of food and water to be issued to each Emigrant during the voyage, and the nature and amount of clothing which shall be supplied to the Emigrants;

(3.) To provide for the medical care of Emigrants during their residence at the depôts and on their voyages;

(4.) To prescribe the nature, quality and quantity of medical drugs and other stores to be carried on board such vessels;

(5.) To provide for the ventilation and cleanliness of such vessels during their voyages, and for their being furnished with a sufficient number of suitable boats for use in case of shipwreck or fire;

(6.) To provide for a journal being kept, by the Surgeon of every such vessel, of the health of the Emigrants, and of his treatment of the sick, together with full explanations of the causes of every death;

(7.) And generally to provide for the security, well-being, and protection of Emigrants.

All such rules shall be published in the *Gazette of India* and shall have effect as if they were contained in this Act.

Provided that, in cases of emergency, the Lieutenant Governor of Bengal may permit any vessel carrying Emigrants to leave the port of Calcutta, although the proportion of women embarked on board such vessel is not in accordance with the said rules.

Power to prohibit emigration to any place to which emigration is allowed.

57. Whenever the Governor General in Council has reason to believe that in any place to which emigration is lawful under this Act, proper measures have not been taken for the protection of Emigrants immediately upon their arrival in such place or during their residence therein, or for their safe return to India, or to provide a return-passage to India for any such Emigrants at or about the time at which they are entitled to such return-passage, the Governor General in Council may, by notification published in the *Gazette of India*, declare that emigration to such place shall cease and be prohibited from a certain day to be specified in the notification.

Emigration to place mentioned to be suspended.

58. After any notification has been published under section fifty-seven, emigration to such place as is specified in such notification shall be suspended from the day specified in the notification: but such suspension shall not affect any act done, offence committed, or proceedings commenced before such suspension.

During suspension, laws against emigration to be in force as to place specified.

59. During the time of such suspension any provisions of this Act prohibiting emigration, or the aiding or abetting of emigration, or the making of any contract for labour to be performed by any Native of India out of the British territories in India, shall take effect so far as relates to the place specified in the notification, in the same manner and to the same extent as if emigration to such place had never been declared to be lawful.

Revocation of suspension.

60. Whenever the Governor General in Council is satisfied that, in the place specified in any notification under section fifty-seven, proper measures have been taken and will be adopted for the protection of Emigrants immediately upon their arrival thereat and during their residence therein, and for their safe return to India, and for providing return-passages to India for such Emigrants at or about the time at which they are entitled to such return-passages, the Governor General in Council may notify in the *Gazette of India* that emigration to such place shall again be allowed from a day to be specified in such notification.

Thereupon all the provisions of this Act authorizing emigration to such place shall, from the day so specified, be revived and have the same effect as if such emigration had not been suspended, except as to acts done, offences committed, and proceedings commenced during the time of such suspension.

Power to prohibit emigration.

61. Whenever the Governor General in Council or the Local Government has reason to believe that, in any place to which emigration is lawful, the plague or other infectious disease dangerous to human life has broken out,

or that proper measures have not been taken for the protection of Emigrants immediately upon their arrival in such place or during their residence therein,

or for their safe return to India,

or to provide a return-passage to India for any such Emigrants at or about the time at which they are entitled to such return-passage,

the Governor General in Council or the Local Government may, by notification published in the *Gazette of India* or the local Gazette (as the case may be), declare that emigration from British India or from the territories subject to the Local Government (as the case may be) to such place shall cease and be prohibited from a certain day to be specified in the notification.

Any notification issued by the Governor General in Council under this section may be cancelled by notification in the *Gazette of India*.

Any notification issued by the Local Government under this section may be cancelled by order of the Governor General in Council, or by the Local Government.

Power to increase fees.

62. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, increase any fee payable under sections eleven, nineteen and thirty-one, and may also

in like manner reduce to its present amount any fee so increased:

Provided that no fee shall be increased under this section by more than double such amount.

XII.—Special Provisions as to French Colonies.

63. The French Government may nominate a person to be Emigration Agent under this Act for each of the Ports of Calcutta, Madras and Bombay. Provided that such person, before entering on the duties of his office under this Act, has been approved by Her Majesty.

Nomination of Agents for Calcutta, Madras and Bombay.

Proviso.

64. The Emigration Agents so nominated and approved as aforesaid shall be authorized, under the conditions prescribed in this Act, to recruit and engage Native labourers for all or any of the French Colonies aforesaid.

Powers of Agents.

65. The said Emigration Agents shall act in conformity with the regulations now or hereafter existing for the recruitment of Native labourers for British Colonies, and shall, with regard to the operations of recruitment which are entrusted to them, enjoy for themselves and the persons whom they may employ in the management of the said operations, all the facilities and the advantages afforded to the Emigration Agents for British Colonies.

Operations of recruitment.

66. The Protector of Emigrants at each of the three British Ports aforesaid, shall act for the British Government as Protector of labourers emigrating under the provisions of this Part of this Act.

Protector of Emigrants.

In French Ports in India the duty imposed on the British Consular Agents by Article V of the Convention printed in the third schedule hereto annexed shall be performed under such instructions as may be given by the Governor General in Council in this behalf.

67. All contracts of service made with labourers emigrating to French Colonies under this Act, except the contracts mentioned in clause four of Article IX and clause two of Article X of the said Convention, shall be made in India, and shall bind the Emigrant either to serve a person designated by name, or to serve a person to whom he is allotted by the proper authority on his arrival in the Colony to which he emigrates.

Contracts of service, with certain exceptions, to be made in India. Effect of contract.

68. The contracts of service shall be in accordance with the terms of the said Convention, and shall make provision for—

Matters to be provided for in contract.

(1.) The duration of the engagement at the expiration of which the Emigrant shall receive a return-passage to India at the expense of the French Government, and the terms on which he may abandon or renounce his right to a free return-passage.

(2.) The number of days and hours of work.

(3.) The wages and rations as well as the rate of payment for extra work, and all the advantages promised to the Emigrant.

(4.) Gratuitous medical treatment for the Emigrant, except in cases where, in the opinion of the proper Government officer, his illness has arisen from his own misconduct.

(5.) In every contract of engagement there shall be inserted an exact copy of Articles IX, X, XX and XXI of the said Convention.

69. The Governor General in Council may, by order to be published in the *Gazette of India*, extend this Act to any other French Colony not expressly named herein, at which a British Consular Agent is established and to which the application of the said Convention shall be extended, and in such order may declare the probable length of the voyage to such Colony.

Power to extend Act to French Colonies not expressly named.

Such declaration shall have the same effect as if it formed part of this section.

70. Every Emigrant vessel sailing to a French Colony shall carry an European Surgeon and an Interpreter.

Emigrant vessel to carry European Surgeon and Interpreter.

XIII.—Penalties.

71. Whoever, except under and in conformity with the provisions of this Act, makes any contract with any Native of India for labour to be performed in any place beyond British India to which emigration is not authorized under this Act, shall be deemed to have committed the offence specified in section three hundred and sixty-three of the Indian Penal Code:

For making unlawful contract of labour.

And whoever knowingly enables or assists any Native of India to emigrate to any such place, or aids in or abets the emigration of any Native of India to any such place, shall be deemed to have abetted the commission of that offence.

72. Whoever, not being a Recruiter duly licensed under this Act, acts or is employed as a Recruiter of labourers, or contrary to the provisions of this Act, enters into any contract with a Native of India for labour to be performed by such Native in any place beyond British India, shall be liable to a fine not exceeding five hundred rupees.

For recruiting without being licensed.

73. Whoever, being a duly licensed Recruiter, removes any Emigrant whom he may engage in any district or place other than the towns of Calcutta, Madras or Bombay, from such district or place, without such Emigrant having appeared along with the Recruiter before the Magistrate of the District in order that the Emigrant might be examined and registered;

For Recruiter failing to take engaged labourers before Magistrate or Protector.

and whoever removes any Emigrant whom he may engage in any one of the towns of Calcutta, Madras or Bombay, from such town, or to an emigration depôt, without such Emigrant having appeared with the Recruiter before the Protector of Emigrants in order that the Emigrant might be examined and registered;

and whoever by means of intoxication, violence, fraud, or false pretences induces any Native of India to enter into a contract for labour to be performed

For fraudulently inducing labourer to contract.

by him in any place to which emigration is lawful under this Act, or to proceed to any such place without having entered into any contract;

and whoever fails to supply any Emigrant whom he has engaged, and who is registered, with suitable food, or otherwise ill-treats such Emigrant on his journey to the depôt;

For not supplying proper food.

and whoever forwards, sends or conveys any such Emigrant otherwise than is provided in section thirty-two, or to any house or place in or near the Towns of Calcutta, Madras or Bombay, respectively, other than the depôt for the Emigrants for the place at which such Emigrant has contracted to labour,

For not taking labourer to depôt.

shall be liable to a fine not exceeding five hundred rupees.

74. Whoever, being a duly licensed Recruiter, forwards or sends any Emigrant from the district or town in which he has entered into an engagement, to any emigration depôt, without such Emigrant having been duly registered in accordance with the provisions of sections twenty-seven and twenty-nine;

For forwarding labourers, or allowing them to go, without being duly registered.

and whoever, being a duly licensed Recruiter, induces or knowingly permits any such Emigrant to leave such district or town, or to proceed to any emigration depôt, for the purpose of emigrating to any place, without the Emigrant being duly registered as aforesaid,

shall be liable to a fine not exceeding five hundred rupees.

75. Whoever, without lawful authority, issues any written order to the Police to assist himself or any other person to procure labourers to proceed to any place beyond British India, or falsely represents that such labourers are required by the Government or are to be engaged on behalf of Government, shall be liable to a fine not exceeding five hundred rupees.

For false representation of Government authority.

76. The Master of any vessel which has not been licensed as provided in section forty, knowingly receiving any Emigrant on board in order to convey such Emigrant to any place contrary to the provisions of this Act, shall be liable to imprisonment for a period not exceeding one year, and also to a fine not exceeding one thousand rupees for every such Emigrant received on board, and the vessel shall be liable to be forfeited.

For receiving Emigrants in an unlicensed vessel.

77. If the Master of any vessel, at the port of Calcutta, the port of Madras, or the port of Bombay, clears such vessel for any place to which emigration is lawful under this Act, and takes on board any Emigrant without having fully complied with every particular required in sections forty-one and forty-two, he shall be liable to a fine not exceeding two hundred rupees for every Emigrant so taken on board.

For clearing ship without complying with rules.

78. If the Master of any vessel, after having cleared such vessel for any place to which emigration is lawful under this Act, takes on board any Emigrant without such Emigrant having been duly entered in the lists mentioned in sections forty-nine and fifty, and in the manner in those sections prescribed, he shall be liable to a fine not exceeding two hundred rupees for every Emigrant so taken on board.

For taking on board after clearance Emigrants not entered in list.

79. If after having obtained a certificate in accordance with the provisions of section forty, the Master of any vessel cleared for any place to which emigration is lawful under this Act, fraudulently does, or suffers to be done, any act or thing whereby such certificate becomes inapplicable to the altered state of the vessel or other matter to which such certificate relates, he shall be liable to a fine not exceeding five thousand rupees,

For fraudulent acts whereby certificate becomes inapplicable to vessel.

and he may also be sued on any bond which he may have executed in consideration of any license obtained for the vessel as originally described.

80. If the Master of a vessel sailing from the port of Calcutta, licensed under section forty and sailing with Emigrants on board, without reasonable excuse causes or allows his vessel to proceed from Garden Reach to sea, or to proceed any part of the distance between Garden Reach and sea, without his vessel being under tow of a competent steamer,

For proceeding to sea without steam.

or if such vessel has not left Garden Reach and proceeded on her voyage within the time prescribed in section fifty-two,

the Master of such vessel shall be liable to a fine not exceeding one thousand rupees.

81. All the powers vested by law in the officers of Customs in regard to the searching and detention of vessels, or otherwise, for the prevention of smuggling on board thereof, may be exercised by such officers for the prevention of the illegal embarkation of Emigrants on board vessels bound for any place to which emigration is lawful under this Act, and of other offences against this Act.

Customs officers may search and detain for purposes of this Act.

82. All prosecutions under this Act shall be instituted on information laid at the instance of an Emigration Agent, or of a Protector of Emigrants, or of an officer appointed for the purpose by the Local Government, before a Magistrate of Police, or before the Magistrate of the District, according as they shall be instituted for offences committed within or for offences committed beyond the limits of the towns of Calcutta, Madras and Bombay.

Prosecutions under this Act where and how instituted.

All fines imposed under this Act may be recovered, if for offences committed outside the limits of the said towns, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

Mode of recovering fines.

XIV.—Miscellaneous.

83. The probable length of the voyages to the places mentioned in section twenty-three, from Calcutta, Madras or Bombay respectively, shall, for the purposes of this Act, be deemed to be as follows:—

Probable length of voyages to places mentioned in section twenty-three.

FROM CALCUTTA:—	
To Mauritius, Seychelles and Réunion ...	Between the months of April and October inclusive, ten weeks; and between the months of November and March inclusive, eight weeks.
To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts and St. Croix, Martinique, Guadeloupe and its dependencies ...	Twenty weeks.
To French Guiana ...	Twenty-six weeks.
To Natal ...	Twelve weeks.
FROM MADRAS:—	
To Mauritius, Seychelles and Réunion ...	Between the months of April and October inclusive, seven weeks; and between the months of November and March inclusive, six weeks.
To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts, St. Croix, Martinique, Guadeloupe and its dependencies, and French Guiana ...	Nineteen weeks.
To Natal ...	Ten weeks.
FROM BOMBAY:—	
To Mauritius, Seychelles and Réunion ...	Between the months of April and September inclusive, five weeks; and between the months of October and March inclusive, six weeks.
To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts, St. Croix, Martinique, Guadeloupe and its dependencies, and French Guiana ...	Nineteen weeks.
To Natal ...	Ten weeks.

84. Every notification under section twenty-four shall state the probable length of the voyages from Calcutta, Madras and Bombay, respectively, to every place to which emigration is thereby authorized, and thereupon such period shall, for the purposes of this Act, be taken to be the probable length of such voyage.

Notification legalizing emigration to new place to give probable length of voyages thither.

85. The Local Government may from time to time authorize any person invested with the powers of a Magistrate, as defined in the Code of Criminal Procedure, to perform the duties and exercise the powers by this Act assigned to and conferred on the Magistrate of the District.

Exercise of powers of Magistrate of the District under this Act.

Every person so authorized shall in all respects for the purposes of this Act be deemed to be included in the words "the Magistrate of the District."

86. Nothing in this Act or in any rule to be made by the Governor General of India in Council under section sixty-one shall apply to any vessel in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's vessels.

Act and rules made under it not to apply to certain vessels.

THE FIRST SCHEDULE.

(See section 2.)

Number and year.	Title.
XLVI of 1860.	To authorize and regulate the Emigration of Native Labourers to the French Colonies.
VII of 1862.	To amend Act XLVI of 1860 (to authorize and regulate the Emigration of Native Labourers to the French Colonies.)
XIII of 1864.	To consolidate and amend the laws relating to the Emigration of Native Labourers.
VI of 1869.	To amend the law relating to the Emigration of Native Labourers.
VI of 1870.	To enable the Governor General in Council to increase the fee payable under section thirty-one of the Emigration Act.

THE SECOND SCHEDULE.

(See section 19.)

Office of the Protector of Emigrants at the Port of

A B is hereby licensed under the Indian Emigration Act, 1871, to be a Recruiter for engaging persons to proceed to for the purpose of labouring for hire.

This license will be in force for one year only from this date.

Dated the day of

(*Signed*) *C. D.*,
Protector of Emigrants.

THE THIRD SCHEDULE.

(See sections 66, 67 and 68.)

Convention between Her Majesty and the Emperor of the French relative to the Emigration of Labourers from India to the French Colonies, with an additional article thereto annexed.

Signed at Paris, July 1861.

[*Ratifications exchanged at Paris, July 30th*, 1861.]

His Majesty the Emperor of the French having made known, by a declaration dated this day (1st July 1861) his resolution to put an end to the recruitment upon the coast of Africa of negro labourers by means of redemption; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland desiring, in consequence, to facilitate the immigration of free labourers into the French Colonies, their said Majesties have resolved to conclude a Convention destined to regulate the recruitment of such labourers in the British territories in India. For this purpose they have named as their Plenipotentiaries:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Most Honourable Henry Richard Charles Earl Cowley, Her Majesty's Ambassador Extraordinary and Plenipotentiary to the Emperor of the French;

And His Majesty the Emperor of the French, M. Edouard Antoine Thouvenel, Senator, His Minister and Secretary of State for the Department of Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in due form, have agreed upon the following Articles:—

ARTICLE I.

The French Government shall be at liberty to recruit and engage labourers for the French Colonies in the Indian Territories belonging to Great Britain, and embark Emigrants, being subjects of Her Britannic Majesty, either in British or French Ports in India, under the conditions hereinafter stipulated.

ARTICLE II.

The French Government shall entrust the direction of its operations in every centre of recruitment to an Agent chosen by itself.

Those Agents must be approved by the British Government.

Such approval is assimilated, with regard to the right of granting and withdrawal, to the Exequatur given to Consular Agents.

ARTICLE III.

This recruitment shall be effected conformably to the regulations which now exist, or may hereafter be established, for the recruitment of labourers for British Colonies.

ARTICLE IV.

The French Agent shall, with regard to the operations of recruitment which are intrusted to him, enjoy for himself and for the persons whom he may employ, all the facilities and advantages afforded to the Recruiting Agents for British Colonies.

ARTICLE V.

The Government of Her Britannic Majesty shall appoint in those British Ports where Emigrants may be embarked, an Agent who shall be specially charged with the care of their interests.

In French Ports the same duty with regard to Indian subjects of Her Britannic Majesty shall be confided to the British Consular Agent.

Under the term "Consular Agents" are comprised Consuls, Vice-Consuls, and all other Commissioned Consular Officers.

ARTICLE VI.

No Emigrant shall be embarked unless the Agent described in the preceding Article shall have been enabled to satisfy himself, either that the Emigrant is not a British subject or, if a British subject, that his engagement is voluntary, that he has a perfect knowledge of the nature of his contract, of the place of his destination, of the probable length of his voyage, and of the different advantages connected with his engagement.

ARTICLE VII.

The contracts of service, with the exception provided for by section 4 of Article IX, and by section 2 of Article X, shall be made in India, and shall either bind the Emigrant to serve a person designated by name, or to serve a person to whom he shall be allotted by the proper authority on his arrival in the Colony.

ARTICLE VIII.

The contracts shall, moreover, make stipulation for:—

1. The duration of the engagement, at the expiration of which the Emigrant shall receive a return-passage to India at the expense of the French Government, and the terms on which it will be competent to him to abandon or renounce his right to a free return-passage.

2. The number of days and hours of work.

3. The wages and rations, as well as the rate of payment for extra work, and all the advantages promised to the Emigrant.

4. Gratuitous medical treatment for the Emigrant, except in cases where, in the opinion of the proper Government officer, his illness shall have arisen from his own misconduct.

In every contract of engagement there shall be inserted an exact copy of Articles IX, X, XX and XXI of the present Convention.

ARTICLE IX.

1. The duration of the Immigrant's engagement shall not be more than five years. In case, however, he shall be duly proved to have absented himself from work, he shall be bound to serve a number of days equal to the time of his absence.

2. At the expiration of that period, every Indian who shall have attained the age of ten years at the time of his departure from India, shall be entitled to a return-passage at the expense of the French Government.

3. If he can show that his conduct has been regular, and that he has the means of subsistence, he may be allowed to reside in the Colony without any engagement; but from that time he will lose his right to a free return-passage.

4. If he consents to contract a new engagement, he will be entitled to a bounty, and will retain his right to a return-passage at the expiration of this second engagement.

The right of the Immigrant to a return-passage extends to his wife, and to his children who quitted India under the age of ten years, as well as to those born in the Colonies.

ARTICLE X.

The Immigrant shall not be bound to work more than six days in seven nor more than nine hours and a half a day.

The conditions of task-work and every other kind of regulation for work, shall be freely arranged with the labourer. The obligation to provide, on holidays, for the care of animals and the necessities of daily life, shall not be considered as work.

ARTICLE XI.

In British Ports, the arrangements which precede the departure of the Emigrants shall be conformable to those prescribed by the regulations for the British Colonies.

In French Ports, the Emigration Agent or his deputies shall, on the departure of every Emigrant ship, deliver to the British Consular Agent a nominal list of the Emigrants who are subjects of Her Britannic Majesty, with a description of their persons, and shall also communicate to him the contracts of which he may require copies.

In such case, only one copy shall be given of all contracts of which the provisions are identical.

ARTICLE XII.

In the Ports of embarkation, the Emigrants who are subjects of Her Britannic Majesty shall be at liberty, conforming to the regulations of Police relative to such establishments, to leave the depôts, or other place in which they may be lodged, in order to communicate with the British Agents, who on their part may at any reasonable hour visit the places in which the Emigrants, subjects of Her Britannic Majesty, are collected or lodged.

ARTICLE XIII.

Emigrants may leave India for the Colonies to the East of the Cape of Good Hope at all times of the year.

For other Colonies they may leave only from the first of August to the fifteenth of March. This arrangement applies only to sailing vessels; vessels using steam-power may leave at any time of the year.

Every Emigrant sailing from India for the Antilles between the first of March and the fifteenth of September, shall receive at least one double blanket over and above the clothing usually allowed to him, and may make use of it, so long as the vessel is outside of the Tropics.

ARTICLE XIV.

Every Emigrant vessel must carry an European Surgeon and an Interpreter.

The Captains of Emigrant vessels shall be bound to take charge of any despatch which may be delivered to them by the British Agent at the Port of embarkation for the British Consular Agent at the Port of destination and to deliver it to the Colonial Government immediately after his arrival.

ARTICLE XV.

In every vessel employed for the conveyance of Emigrants, subjects of Her Britannic Majesty, the Emigrants shall

occupy, either between decks, or in cabins on the upper deck firmly secured and entirely covered in, a space devoted to their exclusive use. Such cabins and space between decks shall in every part have a height of not less than five feet and a half.

No compartment shall take more than one adult Emigrant for every cubic space of seventy-two feet in the Presidency of Bengal and at Chandernagore, and for every cubic space of sixty feet in other French Ports, and in the Presidencies of Bombay and Madras.

An Emigrant above the age of ten years shall count as an adult, and two children from one to ten years of age shall count as one adult.

A place shall be fitted up for a hospital in every Emigrant ship.

Women and children shall occupy compartments of the vessel distinct and separate from those of the men.

ARTICLE XVI.

Each shipment of Emigrants shall include a proportion of women equal to at least one-fourth of the number of men. After the expiration of three years, the numerical proportion of women shall be raised to one-third; after two years more, it shall be raised to one-half; and after a further period of two years, the proportion shall be the same as may be fixed for the British Colonies.

ARTICLE XVII.

The British Agents at the embarkation shall have, at all reasonable times, the right of access to every part of the ship which is appropriated to the use of Emigrants.

ARTICLE XVIII.

The Governors of the French establishments in India shall make such administrative regulations as may be necessary to ensure the complete execution of the preceding stipulations.

ARTICLE XIX.

On the arrival of an Emigrant ship in any French Colony, the Government shall cause to be transmitted to the British Consular Agent any despatches which it may have received for him, together with—

1. A nominal list of all labourers disembarked who are subjects of Her Britannic Majesty.

2. A list of the deaths or births which may have taken place during the voyage.

The Colonial Government shall take the necessary measures to enable the British Consular Agent to communicate with the Emigrants before their distribution in the Colony.

A copy of the "List of distribution" shall be delivered to the Consular Agent.

He shall be informed of all deaths and births which may occur during the period of engagement, as well as of all changes of employer, and of all departures on a return-passage.

Every fresh engagement, or act of renunciation of the right to a free return-passage, shall be communicated to the Consular Agent.

ARTICLE XX.

All Immigrants, being subjects of Her Britannic Majesty, shall, in the same manner as other subjects of the British Crown, and conformably to the ordinary rules of international law, enjoy, in the French Colonies, the right of claiming the assistance of the British Consular Agents; and no obstacle shall be opposed to the labourer's resorting to the Consular Agent and communicating with him; without prejudice, however, to the obligations arising out of his engagement.

ARTICLE XXI.

In the distribution of labourers no husband shall be separated from his wife, nor any father or mother from their children under fifteen years of age. No labourer shall be required to change his employer without his own consent, unless he be transferred to the Government, or to the person who has acquired the property on which he is employed.

Immigrants who may become permanently incapable of work, either by sickness or by any other cause beyond their own control, shall be sent back at the expense of the French Government, whatever time may still be wanting to entitle them to a free return-passage.

ARTICLE XXII.

All operations of immigration may be carried on in the French Colonies by French or British vessels without distinction.

British vessels which may engage in those operations shall be bound to conform to all the measures of Police, health, and equipment which may apply to French vessels.

ARTICLE XXIII.

The labour-regulations of Martinique shall serve as the basis for all the regulations of the French Colonies into which Indian Emigrants, subjects of Her Britannic Majesty, may be introduced.

The French Government engages not to introduce into those regulations any modification, the result of which would be to place the said Indian subjects in an exceptional position, or to impose upon them conditions of labour more stringent than those prescribed by the said regulations.

ARTICLE XXIV.

The present Convention applies to emigration to the Colonies of Ré-union, Martinique, Guadeloupe and its dependencies, and Guiana.

It may hereafter be applied to immigration to other Colonies in which British Consular Agents shall be established.

ARTICLE XXV.

The provisions of the present Convention relative to the Indian subjects of Her Britannic Majesty shall apply to the Natives of every Indian State which is under the protection or political control of Her said Majesty, or of which the Government shall have acknowledged the supremacy of the British Crown.

ARTICLE XXVI.

The present Convention shall begin to take effect on the first of September 1861, and shall continue in full force for three years and a half. It shall remain in full force, if notice for its termination be not given in the course of the month of September of the third year, and then notice can be given only in the course of the month of September of each succeeding year.

In case of notice being given for its termination, it shall cease eighteen months afterwards.

Nevertheless the Governor General of British India in Council shall, in conformity with the Act of the 19th of September, 1856, relative to immigration to British Colonies, have the power to suspend at any time emigration to any one or more of the French Colonies, in the event of his having reason to believe that in any such Colony proper measures have not been taken for the protection of the emigrants immediately upon their arrival or during their residence therein, or for their safe return to India, or to provide a return-passage to India for any such emigrants at or about the time at which they are entitled to such return-passage.

In case, however, the power thus reserved to the Governor General of British India should at any time be exercised, the French Government shall have the right immediately to terminate the whole Convention, if they should think proper to do so.

But in the event of the determination of the present Convention, from whatever cause, the stipulations relative to Indian subjects of Her Britannic Majesty introduced into the French Colonies shall be maintained in force in favour of the said Indian subjects, until they shall either have been sent back to their own country, or have renounced their right to a return-passage to India.

ARTICLE XXVII.

The present Convention shall be ratified, and the ratifications shall be exchanged at Paris in four weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 1st day of July, in the year of our Lord one thousand eight hundred and sixty-one.

(L. S.) COWLEY.
(L. S.) THOUVENEL.

ADDITIONAL ARTICLE.

His Majesty the Emperor of the French having stated that, in consequence of the order which he gave long ago that no more African Emigrants should be introduced into the Island of Réunion, that Colony has, since last year, had to obtain labourers from India and China; and Her Britannic Majesty having, by a Convention signed on the 25th of July 1860, between Her Majesty and His Majesty the Emperor of the French, authorized the Colony of Réunion to recruit six thousand labourers in her Indian possessions, it is agreed that the Convention of this date shall take effect forthwith, with regard to the said Colony of Réunion.

The present Additional Article shall have the same force and validity as if it were inserted, word for word, in the Convention signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time as those of the Convention.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 1st of July, 1861.

(L. S.) COWLEY.
(L. S.) THOUVENEL.

STATEMENT OF OBJECTS AND REASONS.

This Bill forms part of the scheme for consolidating the Acts and Regulations, the execution of which commenced in 1867, has since been steadily progressing, and is now being actively carried out. It consolidates the five Acts in which the law on the subject of cooly emigration is contained. The opportunity has been taken to improve, here and there, the wording and arrangement of that law; but no alteration has been made in its substance.

F. S. CHAPMAN.

The 30th November 1870.

WHITLEY STOKES,
Secy. to the Govt. of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th December 1870, and was referred to a Select Committee with instructions to make their report thereon in six weeks:—

No. 36 OF 1870.

THE INDIAN ARMS BILL.

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A BILL TO CONSOLIDATE THE LAW RELATING TO CANNON, ARMS AND AMMUNITION.

Preamble.

WHEREAS it is expedient to consolidate the law relating to the manufacture, importation, and sale of cannon, arms and ammunition, and the right to keep and use the same; It is hereby enacted as follows:—

I.—Preliminary.

Short title.

1. This Act may be called "The Indian Arms Act, 1871."

Local extent.

2. This Act extends to the whole of British India.

Exclusions.

But nothing in this Act applies to:—

(*a.*) Cannons, howitzers or mortars forming part of the ordinary armament of a vessel, or

(*b.*) Sulphur kept or sold in reasonable quantities for medicinal purposes.

Commencement and continuance of Act.

This Act shall come into operation on the passing thereof and shall remain in force until the Governor General in Council, by notification in the *Gazette of India*, otherwise orders.

Repeal of Acts.

3. The Acts mentioned in the schedule hereto annexed shall be repealed.

But all permissions given, licenses granted, orders made, and notifications published under any Act hereby repealed shall be deemed to be respectively given, granted, made and published under this Act.

Interpretation-clause.

4. In this Act—

"cannon" includes howitzers and mortars:

"arms" includes fire-arms, bayonets, swords, daggers, spears and spearheads; and

"ammunition" includes percussion caps, sulphur, grapeshot, cartridges and gunpowder.

II.—Manufacture and Possession of Cannon.

Manufacture of cannon, without authority of Government prohibited.

5. No person, unless authorized by Government, shall manufacture any cannon.

Possession of cannon without permission prohibited.

6. No person shall, without the permission of the Local Government, have in his possession any cannon, except in the course of his duty as a public officer of Government.

Such permission to be in writing, and to specify number permitted.

7. Whenever the Local Government permits any person to possess any cannon, such permission shall be in writing signed by a Secretary to the Government, and shall specify the number of cannon which such person is permitted to possess.

A fee of fifty rupees shall be paid on the delivery of such written permission.

III.—Manufacture and Sale of Arms.

Manufacturing or dealing in arms and ammunition without license prohibited.

8. No person shall manufacture, repair, or sell, or keep or expose for sale, any arms,

or shall manufacture or sell, or keep or expose for sale, any ammunition,

except under a license to manufacture or deal in arms or ammunition, as the case may be.

Licenses by whom to be granted.

9. Licenses to manufacture or deal in arms or ammunition may be granted by a Magistrate, or by an Officer authorized by the Governor General of India in Council or by the Executive Government to grant such licenses.

Form of license.

10. Licenses granted under section nine shall be in the form prescribed by the Governor General of India in Council, and shall be engrossed on a stamped paper of the value of ten rupees.

The stamped paper shall be furnished by the person applying for the license.

A separate license shall be taken out for the sale of sulphur.

Licensee to put up a board in his shop.

11. Every person to whom such license is granted shall put up a board in a conspicuous part of his shop or usual place of business, and cause to be painted thereon in large letters in the vernacular of the District the words "licensed to manufacture or deal in arms or ammunition," as the case may be.

Duration of license.

12. Licenses granted under section nine shall be in force for one year from the date thereof and no longer.

Entries to be made by licensed manufacturers or dealers.

13. Every person licensed to manufacture or deal in arms, or ammunition, shall enter in a book to be kept by him for that purpose,

(*a.*) an account of all the stock-in-trade from time to time in his possession or under his control,

(*b.*) the name and address of every purchaser of arms or ammunition sold by him, and

(*c.*) the nature, description and quantity of such arms or ammunition.

Inspection of book.

Such book shall be open at all times to inspection by the Magistrate or other Officer duly authorized by Government in that behalf, and he may take copies of all entries therein contained.

Inspection of dealers' premises.

14. The Magistrate or other Officer authorized as aforesaid may at any time enter any premises in which arms or ammunition are manufactured or kept by any licensed manufacturer or dealer in arms or ammunition, in order to inspect his stock-in-trade.

Revocation of license to manufacture or deal in arms or ammunition.

15. Any license granted under section nine may be granted subject to such conditions as are thought necessary, and may be revoked or suspended by the Officer authorized to grant such licenses whenever he thinks fit.

IV.—Importation of Cannon and Arms.

Cannon and arms and ammunition not to be imported without license.

16. Except for the public service, no cannon, arms, ammunition or saltpetre shall be imported, either by sea or by land, into India except under a license from the Governor General in Council, or from some

Officer authorized in that behalf by the Governor General in Council.

17. The provisions of section sixteen do not extend to arms or ammunition imported by any person in reasonable quantities for his own private use; but the Collector of Customs may at any time detain such arms or ammunition, until he receives the orders of Government thereon.

Importation of arms and ammunition for private use.

V.—Transport of Arms.

18. The Governor General in Council may from time to time by order prohibit the transport of any arms, ammunition, lead, saltpetre, or military stores, or of any particular description of arms, ammunition, or military stores from one part of India to another,

Power to prohibit transport of arms and ammunition.

or the transport thereof in any particular direction to be specified in the order,

or prohibit the transport thereof except according to such rules and conditions as may be specified in the order,

and the Local Government shall have the like power within the territories under its government or administration.

Every such order may be cancelled by the authority by which it was made.

19. Nothing in section eighteen extends to arms and ammunition transported by any person in reasonable quantities for his own private use in any District or place not ordered or liable to be disarmed under this Act.

Arms and ammunition transported for private use.

VI.—Carrying Arms.

20. Any person found carrying or conveying any arms, ammunition, or military stores, in such a manner or under such circumstances as to afford just grounds of suspicion that the same are being carried by him with intent to use them, or that the same may be used, for any unlawful purpose dangerous to the public peace, may be apprehended without warrant by any other person, and detained in custody in order that he may be dealt with according to law.

Arrest of persons conveying arms, &c., under suspicious circumstances.

Any person apprehended by a person not being a Magistrate, Deputy Magistrate, or Assistant to a Magistrate, or Police Officer, shall be delivered over as soon as possible to a Police Officer.

Procedure where arrest made by person not a Magistrate or a police officer.

All persons apprehended by or delivered to a Police Officer under the provisions of this section shall be carried before a Magistrate or other Officer competent by law to punish them for the offence or to commit them for trial.

21. Any person going armed with or carrying any arms without having obtained a license from a Magistrate or other Officer authorized by the Governor General in Council or the Local Government authorizing him to carry arms, shall be liable to be disarmed by any Magistrate, Joint Magistrate, or Deputy Magistrate, or Assistant to a Magistrate, or by a Police Officer, if, in the judgment of such Magistrate or other Officer as aforesaid, it is dangerous to the public peace to allow such person to go armed or to carry arms.

Disarming persons going armed or carrying arms without a license.

Exemptions.

22. The provisions of the sections twenty and twenty-one do not apply to—

(a). Officers, Non-Commissioned Officers, Warrant Officers, Soldiers, and Sailors in the Military or Naval Service of Her Majesty, in respect of arms and ammunition kept by them for use in the public service:

Commissioned, Non-Commissioned, and Warrant Officers, Soldiers, and Sailors.

(b). Members of Volunteer Corps, in respect of such arms and ammunition:

Volunteers.

(c). Police and Revenue Officers and other persons, in respect of arms and ammunition furnished by Government for use in the public service or provided by themselves with the sanction of Government for such use; or

Police and Revenue Officers.

(d.) such other persons, classes of persons, Districts or parts of Districts, as the Local Government, by notification in the official Gazette, from time to time exempts from such provisions.

Other persons.

23. Licenses to carry arms may be granted by any Magistrate or other Officer specially authorized by the Governor General in Council or the Local Government to grant such licenses, and may be revoked or suspended by any person authorized to grant such license whenever he thinks fit.

Grant and revocation or suspension of licenses to carry arms.

24. The license shall be in the form prescribed in this behalf by the Governor General in Council.

Form of license.

25. The license shall state whether its operation is limited to the licensee or whether it extends to any of his followers.

License to state whether it applies to licensee's followers.

In the latter case the number of the licensee's followers and the number and description of arms to be carried by each of such followers shall be specified.

Every such license may be granted subject to such conditions (if any) as the grantor thinks fit; and on breach of any such condition, or on failure to comply therewith, the license shall become void.

Conditions of grant.

26. Whenever a Magistrate has reason to believe that any person residing within the local limits of his jurisdiction has in his possession any arms or ammunition for any unlawful purpose,

Search and seizure of arms and ammunition in certain cases.

or that such person cannot, in the judgment of the Magistrate, be left in the possession of any such arms or ammunition, without danger to the public peace,

such Magistrate, having first recorded the grounds of his belief, may cause a search to be made of the house or premises occupied by such person, or in which the Magistrate has reason to believe such arms or ammunition are or is to be

found, and may seize and detain the same in safe custody for such time as he thinks necessary.

The search in such case shall be conducted by or in the presence of the Magistrate, or by or in the presence of a Joint or Deputy Magistrate, or a European Assistant, or by or in the presence of some European Officer, Civil or Military, to be specially empowered by Government.

VII.—Disarmament.

27. The Governor General in Council or the Local Government may, whenever it appears necessary for the public safety, order that any Province, District, or place shall be disarmed.

Executive Government may order any District or place to be disarmed.

28. In such Province, District, or place, as well as in any Province, District, or place in which an order for a general search for arms has been issued under Act No. XXVIII of 1857, it shall not be lawful for any person to have in his possession without a license any arms or ammunition.

Possession of arms and ammunition without license prohibited.

29. Licenses to have in possession any arms or ammunition may be granted by any Magistrate or other Officer specially authorized by the Governor General in Council or the Local Government to grant such licenses, and may be revoked or suspended by any Officer authorized to grant such licenses, whenever he thinks fit.

Grant of licenses, &c.

The license shall be in the form prescribed in this behalf by the Governor General in Council or by the Local Government.

30. When any person has a license from the Magistrate of the District or place at which he resides, or may be, to carry on a journey such arms as the Magistrate considers reasonable for his private use, and obtains from such Magistrate a license stating—

License to travellers to carry arms.

the name and address of such person,

the route by which he intends to proceed,

the time which such journey is expected to occupy, and

the arms which he is permitted to carry,

such license shall have the same force and effect, according to its tenor, in every District or place specified therein, as if leave to go armed had been granted by the Magistrate of such District or place.

31. In every Province, District, or place which the Governor General in Council or the Local Government orders to be disarmed, such order shall be published in the *Gazette of India* or in the local Gazette, and shall also be made public in such other manner as the Governor General in Council or the Local Government directs.

Publication of order for disarming.

32. The Magistrate or other Officer mentioned in the order may search or cause to be searched any house or premises occupied by any person reasonably suspected of having in his possession or custody any arms or ammunition without such license as aforesaid, or in which the Magistrate has reason to believe that any such arms or ammunition are or is concealed.

Power to search for arms and ammunition.

33. The search shall be conducted by or in the presence of the Magistrate or by or in the presence of a Joint or Deputy Magistrate or European Assistant, or by or in the presence of some European Officer, Civil or Military, appointed by Government to conduct such searches.

Search.

All arms and ammunition found on such search shall be confiscated.

34. Nothing in this Part applies to any person or persons exempted by the authority of the Governor General in Council or of the Local Government of the proclaimed District, or by any European Officer serving in such District duly authorized by the Local Government on that behalf.

Exemptions.

VIII.—Penalties.

35. Whoever not being authorized by Government manufactures any cannon, shall be liable to a fine not exceeding one thousand rupees, or to imprisonment for a term not exceeding three years, or to both.

For manufacturing cannon without authority.

36. Whoever, without the permission of the Local Government, has in his possession any cannon, except in the course of his duty as a public Officer, shall be liable to a fine not exceeding five hundred rupees for every such cannon.

For possessing cannon without permission.

37. Whoever manufactures, repairs, sells, or keeps or exposes for sale, any arms or ammunition without such license as is mentioned in section nine, or contrary to any of the conditions contained in such license, shall be liable to a fine not exceeding five hundred rupees, or to imprisonment for a term not exceeding two years, or to both.

For manufacturing or selling arms without license.

All arms and ammunition belonging to the offender shall be forfeited if the convicting Court or Officer so directs.

38. Any person to whom such license has been granted omitting to put up in a conspicuous part of his shop or usual place of business, a board inscribed as is mentioned in section eleven, shall be liable to a fine not exceeding one hundred rupees.

On licensee omitting to put up board.

39. Any person, to whom such license has not been granted in the manner prescribed, putting up such board as aforesaid in his shop or usual place of business, shall be liable to a fine not exceeding one hundred rupees.

For putting up a board without a license.

40. Any person knowingly purchasing any arms or ammunition from any person not licensed to sell the same, shall be liable to a fine not exceeding one hundred rupees.

For knowingly purchasing arms or ammunition from an unlicensed person.

41. Any person omitting or failing duly to keep such book as is mentioned in section thirteen, or to make therein all such entries as are hereby required,

For failing to keep book required by section 13.

and any person preventing or obstructing the inspection of such book, or making a false entry therein,

shall be liable for every such offence to a fine not exceeding five hundred rupees, in addition to double the value of any arms or ammunition sold of which he fails to make such entry, or respecting which he makes a false entry.

If the offender be licensed to manufacture or deal in arms or ammunition, he shall also forfeit his license if the convicting Magistrate so directs.

For wilful concealment by manufacturer of arms.

42. Any manufacturer or dealer intentionally concealing from a Magistrate or other Officer entering his premises under section fourteen any part of his stock-in-trade, or wilfully refusing to point out where the same is kept, shall be liable to a fine not exceeding five hundred rupees, or to imprisonment for a term not exceeding two years or to both fine and imprisonment,

and any arms or ammunition belonging to such person may be seized and shall be confiscated if the convicting Magistrate so directs.

For importing arms without license.

43. Any person importing or attempting to import either by sea or by land into India without such license as is mentioned in section sixteen any cannon, arms, ammunition, or saltpetre,

or knowingly concealing any cannon, arms, ammunition, or saltpetre imported without such license,

shall be liable to imprisonment for a term not exceeding three years, or to fine not exceeding one thousand rupees, or to both;

and the articles so imported shall be confiscated if the convicting Magistrate so directs.

Nothing in the former part of this section applies to arms or ammunition imported by any person in reasonable quantities for his own private use.

For transporting arms contrary to order.

44. Any person transporting or causing to be transported or attempting to transport or cause to be transported, any arms, ammunition, lead, saltpetre, or military stores, contrary to any order made under section eighteen, or to the rules and conditions specified therein, shall be liable to a fine not exceeding five hundred rupees, or to imprisonment for a term not exceeding three years, or to both,

and the articles transported or attempted to be transported shall be confiscated.

Any person by concealment or other device transporting or causing to be transported, or attempting to transport or cause to be transported, such arms, ammunition, lead, saltpetre, or military stores, shall, in addition to the fine hereby provided, be liable, upon conviction, to imprisonment for a term not exceeding seven years.

Nothing in the former part of this section applies to arms or ammunition transported by any person in reasonable quantities for his private use in any District or place not ordered to be disarmed.

For possessing arms in district ordered to be disarmed.

45. Whoever, after the expiration of the time mentioned in any order published under section thirty-one in any Province, District, or place to which that section applies,

or who in any Province, District, or place in which an order for a general search for arms has been issued, and is still in operation

has in his possession or custody any arms or ammunition without such license as is mentioned in section twenty-nine,

shall be liable to be imprisoned for a term not exceeding two years, or to fine not exceeding one thousand rupees, or to both.

For refusing to produce or concealing arms searched for.

46. If on any such search being made under the provisions of section twenty-six or thirty-two any person, having in his possession or power any such arms or ammunition, or knowing where such arms or ammunition are concealed, refuse to produce or point out the same to the Officer making the search,

or if any person intentionally conceals or attempts to conceal any such arms or ammunition,

such person may be apprehended without warrant, and shall be liable to imprisonment for a term not exceeding two years, or to fine not exceeding one thousand rupees, or to both.

For assaulting or resisting any person in the execution of power conferred by Act.

47. Whoever assaults or resists any person in the execution of any power vested in him by this Act, shall be liable to a fine not exceeding two hundred rupees, or to imprisonment for a term not exceeding six months, or to both.

For abetment.

48. Whoever abets within the meaning of the Indian Penal Code any offence under this Act shall be liable to the punishment hereby provided for such offence.

Summary jurisdiction in respect of certain offences committed within Presidency Towns.

49. If any offence which by this Act is made punishable with fine, or with fine and imprisonment not exceeding six months, is committed by any person within the local limits of the ordinary original criminal jurisdiction of the High Courts at Fort William, Madras or Bombay, such offence shall be punishable upon summary conviction by any Police Magistrate.

Conviction to be quashed on merits only.

50. No conviction, order, or judgment under the last preceding section shall be quashed for error of form or procedure, but only on the merits;

and it shall not be necessary to state on the face of the conviction, order, or judgment the evidence on which it proceeds,

but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment in obedience to any writ of *certiorari*,

and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.

All other offences committed in Presidency Towns punishable by High Court.

51. All other offences punishable under this Act which are committed within the local limits of the ordinary original criminal jurisdiction of the High Courts at Fort William, Madras and Bombay, shall be punishable by such Court.

Recovery of fines.

52. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras and Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of those towns in force for the time being.

Rewards to informers.

53. Any fine or penalty levied from any person convicted of an offence under this Act, or any portion of such fine or penalty, may be awarded to the person on whose information the conviction takes place.

IX.—Miscellaneous.

Seizure and detention of sulphur by Government.

54. The Governor General in Council or the Local Government may at any time seize all sulphur in the possession of any person, and detain the same for such time as may be deemed necessary for the public safety.

Notice and limitation of suits.

55. No suit or other proceeding shall be commenced or prosecuted against any person for any thing done in pursuance of this Act, without giving him a month's previous notice in writing of the intended proceeding and of the cause thereof, nor after the expiration of three months from the accrual of the cause of action or other proceeding.

Power to withdraw part of District from the operation of Act.

56. The Governor General in Council or the Local Government may from time to time withdraw from the operation of all or any of the provisions of this Act, any part or parts of any District or place; and may in like manner, as occasion requires, subject the same again to the operation of all or any of such provisions.

Act not to alter or affect any other law relating to licenses.

57. Nothing in this Act alters or affects any law for the time being in force relating to licenses.

Grant of licenses in Presidency Towns.

58. All licenses which may by this Act be granted by a Magistrate may in the Presidency Towns be granted by a Commissioner of Police.

SCHEDULE.

Number and year.	TITLE.
XXXI of 1860	An Act relating to the manufacture, importation, and sale of Arms and Ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases.
VI of 1865	An Act to continue Act No. XXXI of 1860 (relating to the manufacture, importation, and sale of Arms and Ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases).
VI of 1866	An Act to continue Act No. XXXI of 1860 (relating to the manufacture, importation, and sale of Arms and Ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases), and for other purposes.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is merely to consolidate the three Acts in which the law relating to Arms and Ammunition is now contained.

The wording and arrangement of the law have been improved, but no alteration has been made in its substance.

W. ROBINSON.

The 16th December 1870.

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Printed and Published for the GOVT. OF INDIA, *at the Office of* SUPDT. GOVT. PRINTING, 8, *Hastings Street, Calcutta.*

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